

**R.W. Burden**  
**48 Jacobus Avenue**  
**Little Falls, NJ 07424**  
[rwburdn@netscape.net](mailto:rwburdn@netscape.net)

004001

20 February 2005

Colonel Thomas Koning  
U.S. Army Corps of Engineers  
696 Virginia Rd.  
Concord, MA 01742

Dear Colonel Koning:

We own a modest Cape Cod house in West Chatham about a mile from Harding's Beach and it is most unlikely the proposed wind farm will directly affect us. We are environmentally conscious but not ardent conservationists. Our usual transportation to the Cape is a Ford Explorer, but I hasten to add that it is a six-cylinder dual-fuel model which stays in the garage most of the time while we drive our Ford Focus. In short, we are sort of in the middle on the wind farm, and more in a muddle as we read the increasingly pointed and contradictory reports pro and con.

However, I am a retired businessman and tend to view many situations in life as a businessman might. On a risk-reward basis, I have seen few projects with so many known risks and so many unknown ones which provide so little reward (except to its owners) as the Cape Wind Farm.

It seems we are more concerned about the potential effects of Artic drilling in a portion of our country few of us will ever see than the actual impact on the ecology, tourism and trade in the great treasure that is Cape Cod.

I join with many others in asking for a more complete, balanced and impartial analysis be made of the Cape Wind Farm.

Yours truly,



Robert W. Burden  
31 Ellis Street  
West Chatham, MA

RECEIVED

FEB 24 2005

U.S. ARMY CORPS OF ENGINEERS

Feb. 20, 2005

Colonel Thomas Koning  
US Army Corps of Engineers  
696 Virginia Rd  
Concord, MA 01742

004002

Dear Colonel Koning:

I write regarding my concerns that the Cape Wind Draft Environmental Impact Statement is seriously flawed. Two particular points I would like to make are as follows:

1. What are the numbers of waterfowl that would be killed in collisions with towers when there are northeast storms with poor visibility? Has Cape Wind been out in those waters during storms when large flocks are moving through?
2. How much consideration was given to the esthetics of this project? How was it quantified? I don't live on the water but I've seen these wind-mills in Palm Springs, CA & it looks like a vast industrial wasteland.

I hope you can provide specific answers to my questions.

Sincerely,  
Karen Hoggins

20 Brant Point Road  
Nantucket, MA 02554  
February 21, 2005

004003

Dear Colonel Koning,

We were summer residents of Nantucket Island for 25 years and are now 6 month residents. We have owned our home there for 20 years. We own both a power boat and a sailboat in Nantucket and use them all of the time. We are very concerned about the proposal by Cape Wind. The impact will be devastating to say the least.

The Cape Wind Draft Environmental Impact Statement is inadequate. The visual pollution speaks for itself. They are navigational hazards, and there must be some consideration of the chemicals that would end up in the water from these platforms. The golf club had problems because of some sort of a rabbit and had to make changes; I can't believe that there are not legitimate considerations as to the effect on wildlife.

Cape Wind wants people to believe that they are doing this because they are so concerned about providing a clean fuel. They are just trying to make money and this would be the most economical place to put the towers.

There is no question that this will impact the area economically as tourism will be affected

Please consider an analysis of alternate sights

  
Candice M Heydt

  
Mason C Heydt

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FEB 24 2005

U.S. DEPARTMENT OF THE INTERIOR

February 21, 2005

Dear Colonel Fanning,

004004

We are writing to voice our opinion that the Cape Wind Draft Environmental Impact Statement is inadequate in many areas, including:

- air and boat navigation safety,
- impacts to birds & other wildlife,
- pollution threats from oil on the Transformer substation,
- Visual pollution and associated economic and Tourism impacts, and
- the analysis of alternative sites.

It is our prayer that the Federal and State governments take action to halt this project before it goes any further.

Joseph L. and Berella L. Lucier  
30 Thyme Lane  
Osterville, MA 02655

RECEIVED  
FEB 21 2005  
1:22 PM



February 21, 2005

Dear Col. Koning,

004005

This is to express my opinion that the Environmental Impact statement does not adequately answer many questions of importance.

The risk to wildlife, the risk to humans and especially fisherman and boaters, the risk to navigation are all issues that need to be fully evaluated. The scope of the project is far too huge to take any risks at all, with our people and our environment.

I am an environmentalist. I believe that eventually, some type of alternative power will work. But ~~not~~ wind power, <sup>not</sup> here, and not now. And certainly not in the hands of people whose goal is profit.

Every day, I "Reduce, Reuse, Recycle". If we all did this, we could decrease our dependence on foreign oil. I would love to have an SUV, but I don't.

Please count me as another Cape Cod resident who adamantly opposes the Cape Wind project.

Sincerely,  
Susan Lawley

80 Overlook Circle, Wauquoit, MA, 02536

Princeton University

Department of Physics: Joseph Henry Laboratories  
Jadwin Hall  
Post Office Box 708  
Princeton, New Jersey 08544-0708

004006

February 19, 2005

Ezra Thomas Koning,  
696 Virginia Road  
Concord Mass 01742

Dear Sir,

It is of great concern to me about  
the Cape Wind Draft proposal. The navigation  
safety issues, impact on birds and wildlife  
pollution threats far outweigh the  
benefit to be gained by windmills on  
Nantucket Sound.

Sincerely,

Joe. J. Reginalds

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FEB 24 2005

PHYSICS DEPT

261 Wianno Circle  
Osterville, MA 02655

February 21, 2005

Colonel Thomas Koning  
Corps of Engineers  
U.S. Army  
696 Virginia Road  
Concord, MA 01742

004007

Save Our Sound

Dear Colonel Koning:

I write as a concerned resident of Cape Cod and a taxpayer of the United States.  
My strong objections to the installation of skyscraper high windmills in Nantucket Sound are outlined below:

1. The visual pollution which is present during daylight and which at nighttime will resemble the landing field at a major airport. As someone has said: "this is the first step in the industrialization of Cape Cod."
2. The fact that, in spite of overwhelming opposition by the citizens of the Cape, the project is being pushed forward and financed by a \$250,000,000 federal subsidy.
3. The effect on tourism to the Cape and the resultant reduction of employment and tax revenue will be disastrous.
4. Any sane person familiar with the commercial and recreational boating activity on Nantucket Sound must recognize that 100+ windmills will result in countless boating accidents. Even the steamship authority ferries seem to hit each other about every 10 years!

I urge you to cancel and discontinue this project – please don't go forward with this aesthetic and commercial outrage.

Very truly yours,



Walter M. Krauss

PS: One oil spill and Cape Cod and the islands are out of business for 2-3 years!

cc: Ms. Karen Adams,  
Cape Wind Energy E&S Project

RECEIVED

FEB 24 2005

MA 02655

February 20, 2005

William M. Heuer  
96 Beach Plum Rd.  
P.O. Box 283  
South Chatham, MA 02659

004008

Colonel Thomas Koning  
U.S. Army Corps of Engineers  
696 Virginia Rd.  
Concord, MA 02659

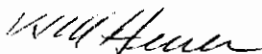
Dear Colonel Koning:

A perusal of the Cape Wind Environmental Impact Statement, made obvious to me that the Statement does not speak in entirety to many issues relative to navigation safety, pollution threats, and most importantly, visual pollution affecting Nantucket Sound -- now one of this country's most precious assets.

A project such as the Cape Wind undertaking, requires a more erudite analysis including in-depth consideration of the projects probable negative impact on the environment, and the possibility of future Nantucket Sound economic exploitation - that could follow the Cape Wind Project should it go forward.

I urge you to promote a more thorough study of all environmental and economic impact issues surrounding the proposed Cape Wind project.

Sincerely yours,



William M. Heuer

RECEIVED

FEB 23 2005

U.S. ARMY CORPS OF ENGINEERS

17 Old Forge Drive  
Warren, NJ 07059  
4 Skinequit Lane  
Harwich, MA. 02661

February 22, 2005

Colonel Thomas Koning  
U.S. Army Corps of Engineers,  
696 Virginia Rd.,  
Concord, MA 01742-2751

004009

Dear Colonel Koning,

Please deny Cape Wind's application to construct 130 turbines in Nantucket Sound. There is no federal authorization to use our public trust resources for this purpose. We do not understand how one developer can just come in and take one of the most beautiful places in our country for his own interests. No developer should have any property rights to exploit public lands. Without federal authorization, any means for protecting coastal resources, or any process for compensating the public, this project cannot be in the public interest.

We are in shock that anyone with money can take whatever he wants. This is our beautiful country and things so detrimental to it should go to congress and be debated, much like what is going on with regard to social security. One Federal office should not make this decision.

In addition, the draft environmental impact statement that has been prepared is inadequate. More studies are needed before the Army Corps can assess the potential impacts of the Cape Wind project. Indeed, those studies are the very studies that Congress would require to shape a national policy on offshore wind energy. Without this critical information, there is simply no way to determine whether the Cape Wind project is in the best interests of both the public and wildlife.

Furthermore, if wind turbines are so necessary why not go to areas that are more industrial, or where the coastline is dotted with casinos, amusement parks, condos, and high rises like where we are in N.J. This would be ok. However to ruin the New England coastline, or any other beautiful areas in this country is very, very sad. We have met people from all over the world who have come to this area for its' serenity and beauty. Please, please do not let this developer ruin this area.

Sincerely,



Judith & Gregory Smith

RECEIVED

FEB 24 2005

NAVY DEPT

151 Cliff Road  
Wellesley, MA 02481  
February 22, 2005

Colonel Thomas Koning  
U.S. Army Corps of Engineers  
696 Virginia Road  
Concord, MA 01742

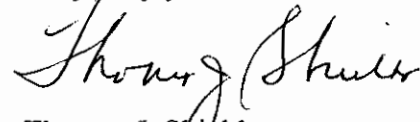
004010

Dear Colonel Koning:

I would like to voice my strong opposition to the plans by Cape Wind to build 130 wind turbines in Nantucket Sound. I am a strong advocate for alternative energy sources, but believe that the Draft Environmental Impact Statement is inadequate in many areas, and not the proper basis on which to move forward with this project. I think that much more investigation of this matter should be undertaken, including an analysis of alternative sites, before a commitment is made that could have far reaching and negative consequences to an area of such great environmental and societal importance.

Please include my thoughts, and my opposition, in the public record and in your consideration of this matter. Please don't hesitate to call me if I can provide my opinions in greater detail. (781) 235-4004 or (781) 890-7033.

Very truly yours,

  
Thomas J. Shields

RECEIVED

FEB 24 2005

U.S. ARMY CORPS OF ENGINEERS



004011

February 22, 2005

Mr. Thomas L. Sansonetti  
Assistant Attorney General  
U.S. Department of Justice  
Environmental/Natural Resources Division  
Robert F. Kennedy Bldg.  
10th St. & Constitution Ave., N.W.  
Washington, DC 20530

Earle H. Stockdale, General Counsel  
U.S. Department of the Army  
441 G Street, N.W.  
Washington, DC 20314-1000

Rebecca Watson  
Assistant Secretary  
U.S. Department of Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Mr. Sansonetti, Mr. Stockdale, and Ms. Watson:

As a result of the recent decision in the litigation over the Cape Wind Project data tower, the Oceans Public Trust (OPTI) Initiative is now writing to you again to ask the federal government to discharge its responsibilities and address the question of whether a section 10 permit *alone* may serve as an adequate authorization for the development of a private energy project on the public trust lands and waters of the outer continental shelf (OCS). OPTI has written to you before on this question, and your response was simply that the government could not address that question because of pending litigation. The First Circuit has now spoken, and it is clear from that ruling that the U.S. Army Corps of Engineers cannot ignore the property interests of the federal government when considering a section 10 permit application for a project of the size and duration of the proposed Cape Wind facility and other proposed offshore wind energy projects around the United States. The First Circuit allowed that the Corps could avoid addressing this issue only for a project with the minimum impacts, such as the temporary and isolated data tower in this case. There is, therefore, no longer any reason for the federal government to dodge this important question. OPTI therefore once again asks you to answer the question: Can a private company proceed to

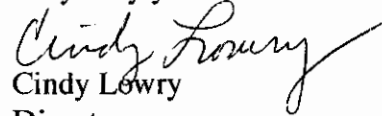
February 22, 2005

Page 2

develop a large-scale wind energy project on the OCS with no other form of authorization from the federal government?

Thank you for your prompt response to this critically important issue.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Cindy Lewry", with a long, sweeping horizontal stroke extending to the right.

Cindy Lewry

Director

cc: Colonel Thomas Koning ✓



**SAVE OUR SOUND**  
alliance to protect nantucket sound

ATTN: Karen Adams

004612

Submission for EIS

I am writing this from my viewpoint and personal experience. My name is Joanne Smith, I am the wife of a commercial fisherman from Harwich. I deeply resent the fact that the report from the Army Corp of Engineers indicated that there would be no fishing impact if the wind farm construction were to go through. I know my husband was never contacted about his fishing habits nor were the other fisherman in the area that we personally know. They obviously did little or no research to back that so called fact up.

My husband has been fishing in Nantucket Sound off Harwich for several years, not sporadically, but year round. He does quahogging with a small dredge. I am a stay at home mother of three boys, ages 22, 20 and 12. Fishing has enabled us to put our oldest through 4 1/2 years of college at URI, two years of college for our middle son and to save for our youngest's education as well as supporting our family. As you are aware, fishermen have had to be extremely versatile to keep up with all the restrictions and my husband had his ground fish days reduced substantially and switched to quahogging as his main source of income. Quahog fishing in Nantucket Sound has been a constant fisheries for several productive years. His boat is not the only one out there fishing year round. I can't believe the report indicated that no fishermen would be affected. Once again, we are invisible. We don't have the big lobbyists, time or financial backing to push our case. Our lives revolve around the wind and market. I am in hopes you and the rest of our elected officials will realize there are real live people making their living the way fisherman have for hundreds of years. Don't relegate us to the backseat again. I would think pumping up tons of silt and putting it who knows where multiplied several times over is going to ruin the quahogging fisheries and disturb the ecology of the ocean bottom permanently. Add that to the fact that the quahog fisheries may never be allowed again in that area.

An interesting point about the Danish wind farms is:

**No fishing is allowed within either wind farm.** Boats are allowed in, but fishing is not allowed. The speaker said that some types of fishing may be allowed at some point, but there is a risk to the cables with trawling in particular.

Aside from the fishing industry: a friend of ours who is an avid kite boarder checks the wind speed constantly and has said that the wind speeds they give at the model wind tower are usually five degrees higher than the actual readings. It would be interesting to find this out factually. The other little fact about the wind towers is that they ice up in the winter time and can shear off tons of ice sending it flying through the air. The odds are it wouldn't hit anyone out there fishing in the winter, however, it certainly is a frightening possibility to add to the fact that the blades themselves have also come apart.

The bottom line is the person pushing this is a developer do you truly think he's in it for the environment? The environmental angle is simply that, an angle.

A final note, we elected you, believing in your integrity and your ability to speak for all of us. Please help us out and put the wind towers in a less used area and not in an area where thousands of people use it not only for vacations, sailing, and other recreations but also for making their living supporting their families.

Joanne Smith

P.S. Our oldest son is currently making a living with his father, fishing in the sound since completing his URI education.

**SAVE OUR SOUND**  
alliance to protect nantucket sound

004013

ATTN: Karen Adams, project manager  
for Cape Wind

Submissions for EIS

23 pages

Karen Kirk-Adams  
Cape Wind Energy EIS Project  
U.S. Army Corps of Engineers, New England District  
696 Virginia Road  
Concord, MA 01742  
fax: 978-318-8303

Cc: Secretary Ellen Roy Herzfelder  
Executive Office of Environmental Affairs  
Attn: MEPA Office, Anne Canaday, EOEa No. 12643100  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Dear Ms. Adams,

Please accept the following petitions as public testimony regarding concerns over the proposed Cape Wind project. They will serve as written comments to be included in the final EIS.

Thank you for your attention to this matter,

Sarah Hedges

Dear Governor Romney,

We respectfully urge you to sign an executive order that would put a moratorium on the funding and permitting of offshore wind energy projects off the coast of Massachusetts, specifically the proposed Cape Wind project site in Horseshoe Shoals. Nantucket Sound is central to Cape Cod's entire economy precisely because of its natural resources, and it needs to be protected in its existing state. Please issue a moratorium immediately to protect what in your opinion, is "a national treasure." Thank you, signed:

NAME	ADDRESS	PHONE	EMAIL
Victoria A. Lavelle	1885, Ppewissett Road 02570	508 545-6005	
Marilyn H Brenner	15 Old Tavern Ln, Barnstable Port	508-430-4563	nonny590ts@aol.com
Louis R. Pyrammar	" "	" "	" "
Marion S. Maynard	16 Wildflower Ln, Yarmouth Port		
John J. Maynard	16 Wildflower Ln, Yarmouth Port		
William J. Maynard	127 White Dove, Nantucket, MA	508 400 0023	
Doris Johnson	P.O. Box 265, Dennis, MA	01923	
Bill Johnson	P.O. Box 265, Dennis, MA	01923	
William J. Maynard	8 Corns Duck Rd, North Yarmouth, MA	02664	
William J. Maynard	57 Birchell Lane, Falmouth, MA	02536	
William J. Maynard	P.O. Box 416, Oysterville, MA	02665	
Elizabeth Kenyon	27 Westway Ln, Eastham, MA	02542	
Edmund T. Smith	22 Azarlan Rd, Salem, MA	03079	
John M. Anderson	110 Shering Road, Cotuit, MA		
Charles J. Smith	5 Black Oak Lane, Nantucket, MA	02673	

Dear Governor Romney,

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NAME

ADDRESS

PHONE

EMAIL

Richard Walker 403 Stony Brook Rd. Brewster, MA 508-385-3613

Linnea Turner 791 Main St W. Dennis, MA 02670

Louis Foy 923 Seaview Ave. Osterville, MA 02655

Governor Romney,

spectfully urge you to sign an executive order that would put a moratorium on the funding and permitting of offshore wind energy projects off  
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NAME ADDRESS PHONE EMAIL

Arthur Durkin 48 Moore Lane Northboro MA (508) 393-1715 bjdurk@aol.com

Lincoln Baxter 18 Pine Tree Drive Centerville MA (508) 778-4075 lincolnbaxter@comcast.net

~~John H. Baker 403 Stary Brook Rd. Braintree MA~~

Thomas Lloyd P. P. 147 Main St. Mills MA

Fred Rodat P. P. 147 Main St. Mills MA

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We respectfully urge you to sign an executive order that would put a moratorium on the funding and permitting of offshore wind energy projects off the coast of Massachusetts, specifically the proposed Cape Wind project site in Horseshoe Shoals. Nantucket Sound is central to Cape Cod's entire economy precisely because of its natural resources, and it needs to be protected in its existing state. Please issue a moratorium immediately to protect, what in your opinion, is "a national treasure." Thank you, signed:

NAME	ADDRESS	PHONE	EMAIL
Nancy Biggling	57 Blaine St. Malden	(781) 324-1777	
Fredrick Blanchard	57 Ebene St Malden.		
Kay Janda	1271-A. W. Kingsford St #219 Weymouth	781-927-1117	
Bob Mustone	31 Hale Ave Wintury	617 846 7086	
Fred Muston	42 Sanderson Dr Tyng		
Nicholas Costello	P.O. Box 1899 Sandwich	MA 01833	<del>432-88</del>
R.W. Kethen	P.O. Box 385 Wintury	MA 02362	781-447-3242
John S. Kellner	9 Walter S. Anne Rd	Kingston MA	02364
Robert B. Cox	24 Columbia Way Newbury	MA 01547	
James T. Janda	40 Morton Field Lane Hingham	MA 02043	
Michael P. Long	10 Benton Rd. Belmont,	MA.	
Matthew Cooley	331 Washington St	Newood MA	02062
Saudi Wojtkowski	5 Salt River Lane	W. Haverick MA	0
Al Wojtkowski	5 Salt River Lane	W. Haverick MA	
Richard Wojtkowski	5 Salt River Lane	W. Haverick MA	
Michele Wojtkowski	5 Salt River Lane	W. Haverick MA	



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NAME	ADDRESS	PHONE	EMAIL
Don Sturath	55 AUNCAT AVE	METHUEN MA	01844
Richard Wells	86 ANNETTA	QUEENSBURY MA	02169
Scott Blais	4 Theres Road Dr.	Cedronville Ma.	02632 861215@k
SEAN ROSE	100 WILLOW RD	KIPPOVT	05854
Michael Adams	I AM FOR WINDPOWER		
Joshua Malloy	I am for windpower		
Allen Bell	90 WOODLAND AVE	HYANNIS MA	
Patricia Bell	40 WOODLAND AVE	HYANNIS MA	
Daniel Brown	65 THOMAS ST	WOTNAM, MA	
Julie Bell	170 Jersey St.	Amherst MA	01925
David N. Staudy	170 JERSEY ST	MARBLEHEAD MA	01945
Michael J. Fitzpatrick	2 Bethel Rd.	MILFORD, MA.	01957
Marie Harmon	90 JOURNAL ST	ROSLAND MA	01721
Alfred C. Galloway	100 FRANKLIN ST	South Yarmouth, MA	02664
John's Harmon	120th St	MA	02664

Dear Governor Romney,

We respectfully urge you to sign an executive order that would put a moratorium on the funding and permitting of offshore wind energy projects off the coast of Massachusetts, specifically the proposed Cape Wind project site in Horseshoe Shoals. Nantucket Sound is central to Cape Cod's entire economy precisely because of its natural resources, and it needs to be protected in its existing state. Please issue a moratorium immediately to protect, what in your opinion, is "a national treasure." Thank you, signed:

NAME

ADDRESS

PHONE

EMAIL

Pam Wojtkowski 5 Salt River Ln W. Haverhill, MA

Andy Wojtkowski 5 Salt River Ln W. Haverhill, MA

David DeVecchio 11 Benjamin Way W. Yarmouth, MA

Linda DeVecchio 11 Benjamin Way W. Yarmouth, MA cinder@comcast.net

Phillip A. Canelos 42 Middlesex W. Haverhill, MA cplittinc@aol.com

Stephen Sauer 88 Gensett Rd Woods Hole, MA

Joan Mary 20 Kings Ln W. Haverhill, MA

James Mahoney 1091 Main St W. Haverhill, MA

Don Grant 19 G. Dunster Drumheller 02154

Marion Grant 304 Franklin St Braintree MA 02184

Dany Goldschi 239 Beantable Rd Hyannis Dennis1354@aol.com

Paul Skopas 37 Alena St Haverhill MA 01830

Michael Mahoney 27 Crag St Haverhill MA 01830

Michael Travers 3 Chauncy St #17 Cambridge MA 02138

Dear Governor Romney,

We respectfully urge you to sign an executive order that would put a moratorium on the funding and permitting of offshore wind energy projects off the coast of Massachusetts, specifically the proposed Cape Wind project site in Horseshoe Shoals. Nantucket Sound is central to Cape Cod's entire economy precisely because of its natural resources, and it needs to be protected in its existing state. Please issue a moratorium immediately to protect, what in your opinion, is "a national treasure." Thank you, signed:

2.12.05

NAME	ADDRESS	PHONE	EMAIL
DANIEL ADAMS	101 MAPLE ST. W. BLENSTABLE	508-771-0711	DAN@COMCAST-MA
DENNIS GORDON	81 STATE LN HYANNIS	508-790-2697	
GORDON OWLES	167 COTTER TREE NECK RD MARBLE MILLS	508-408-4510	owles@earth.net
MICHAEL COLLINS	38 BEVERLY WAY FENEBROCK MA	508-326-8829	
CATHERINE MURPHY	41 MURRAY BLVD E FALMOUTH	508-457-6344	
C KALINOSKI	145 WASHINGTON ST YENNA CT	860-820-3931	
LAUREN DELANO	392A GREEN RD, MANCHESTER CT.	860-646-3879	
MILCE GENTRY	41 BUNKER LANE W. WARREN MA	02165	
TOM BLATTERMAN	79 SOUTH RIVER LANE EAST DORSET MA	02332	
TOM BLATTERMAN	"	"	
JOHN CORAY JR	51 MASSACHUSETTS RD WILTON, MA	02156	
MARK FRASIER	76 CENTRAL AVE DORSET MA	02151	
CAROL A. ANDERSON	5 LEXINGTON DR DORSET MA	02645	508-432-4988
ALYCE ST. ANDERSON	3 LEXINGTON DR DORSET MA	02645	508-432-4988
JILL BERN	20 BORDEN ST W. HYANNISPORT MA	02672	

Dear Governor Romney,

We respectfully urge you to sign an executive order that would put a moratorium on the funding and permitting of offshore wind energy projects off the coast of Massachusetts, specifically the proposed Cape Wind project site in Horseshoe Shoals. Nantucket Sound is central to Cape Cod's entire economy precisely because of its natural resources, and it needs to be protected in its existing state. Please issue a moratorium immediately to protect what in your opinion, is "a national treasure." Thank you, signed:

2.12.05

NAME	ADDRESS	PHONE	EMAIL
Kevin Mendes	39 Tiverton Lane, Haverhill, MA	508 958 5682	kevinmendes@gmail.com
Carol Dale	20 Seaview Ave., N Kingsford RI	401 298 1606	
Ron Dale	20 Seaview Ave., N Kingsford RI	401 295 1606	
Kurt S. Boettcher	7 Scott's Oceanview Rd W. Dennis, MA 02670	508 398 7838	skunhool@comcast.net
Mark Robinson	13 Alderberry Rd. Butte, Dcy. MA	MarkRobinson@comcast.net	
Lindy Lawrence	5 Windy Hill Dr. W. Wareham, MA	508 576	
Stan Brown	144 Edgerton Rd. OB. MA	508-941 4301	
Christopher Brown	682 Hope Street Providence, RI	401-364-1704	c-brown62@hotmail.com
Mark Carey	257 S/HA Dor MA 02121		markc@bryce.com
Mark Lawrence	64 EARSAGE RD, 50 YARMOUTH MA 02671	781 760-0005	markl@bryce.com
James R. Smith	5 WATKINSVILLE MA 02713	508-758-3036	
Shelley Smith	105 Pleasant St. Woburn, MA	617-951-8333	
David Zimmerman	9 Julie David Dr. Foxboro, MA 02033	508-528-7009	dave@comcast.net
Lisa McCandless	48 Essex Rd. Nantucket, MA 02554	508-825-2177	
Kevin Lawrence	52 Alderbrook Lane, Wareham, MA	508-5544	

Dear Governor Romney,

We respectfully urge you to sign an executive order that would put a moratorium on the funding and permitting of offshore wind energy projects off the coast of Massachusetts, specifically the proposed Cape Wind project site in Horseshoe Shoals. Nantucket Sound is central to Cape Cod's entire economy precisely because of its natural resources, and it needs to be protected in its existing state. Please issue a moratorium immediately to protect, what in your opinion, is "a national treasure." Thank you, signed:

2.12.05

NAME	ADDRESS	PHONE	EMAIL
Alinda	17 Forest Ave. Everett MA 02149	617 924 3451	chenmlarata@natward.
Steve Buser	104 Sawyer Beach Rd. Orono, NH 03777	603-353-4846	sb15k1@nolley.net
Don Kraus	442 Main St. Norwich, VT. 05055	802-649-2740	daniel.kraus@nath.
Gary J. Lohrman	RR 1 Box 328 Vineyard Haven MA 01978		
Al Penzance	52 Red Ave. Everett		
John Patrick	9 West Broadway	Boston	
Russell Fitzpatrick	9 West Broadway	Boston	
Pete Firsching	160 Boston Rd Nahant	781-581-8747	
Al Douville	200 Blackfield So. Weymouth Ct	780 144 9090	
Nancy Simpson	101 Fenwick Rd. S. Boston	02127	
Dina Sapp	4 Liberty St. Southwick MA	02563	
John Darrow	669 South St. Needham MA	02242	781 444 2338
Mike Spunt	531 North St. Needham MA	01833	978 353 1008
Phil Lockwood	11 Wende Dr. Needham MA		lockwood@nath. 402
Karen Burke	149 Old County Rd. E. Sandwich, MA	02537	

Dear Governor Romney,

2.13.05

We respectfully urge you to sign an executive order that would put a moratorium on the funding and permitting of offshore wind energy projects off the coast of Massachusetts, specifically the proposed Cape Wind project site in Horseshoe Shoals. Nantucket Sound is central to Cape Cod's entire economy precisely because of its natural resources, and it needs to be protected in its existing state. Please issue a moratorium immediately to protect what in your opinion, is "a national treasure." Thank you, signed:

NAME	ADDRESS	PHONE	EMAIL
Timmy Shiels	160 Ashell 02133	617 304 1080	
Bob Greenough	189 Rockland St Abington	781-878-5083	
John Nee	194 H. Street S. Boston MA	(617) 268-7335	
James D	43 Duxbury St Gil	978-282-1104	
Harry	33 Putnam St Danvers, Ma	978-777-7507	
STEWART D. GAGIS	49 Lagoon Dr. Woburn, MA.	617-846-0691	
Dimitri Marka	19 Drink Rd Scarsdale, NY	617-625-2660	
Anna Welter	9a Oak Ave Belmont, MA.	1/19 Stanford, PA	
Paul Boyle	14 Admiral Byrd Rd Plymouth, MA	02360	
Janice Byrd	14 Admiral Byrd Rd Plymouth, MA	02340	
William Alexander	7 Tall Circle Plymouth, MA	02360	
Melissa Macomber	7 Tall Circle Plymouth, MA	02360	
Tom Mello	9359 Jacobs Ladder Rd Buxton, MA	01823	
Jason Kovach	232 Depot St. Davenport, MA.	02639	
Michael McLaughlin	1146 RT 134 S. Dennis, MA	02660	

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2.13.05

NAME	ADDRESS	PHONE	EMAIL
Andy Meusing	56 RANUFE RD.	781-235-3352	andy@ad2biz.com
Bill Burns	180 WAMPATCK ST	294-8908	
Diana Jimacio	9 Seagrass Marshfield MA	781-837-2447	
Sue Ciarametaro	4 Springfield St. Gloucester, Ma	978-281-5617	
Joe Balle	12 Taylor St. Gloucester MA	978-283-0339	
Rob Harte	18 Virginia Drive Pembroke, MA		harte@synthesis
Sam Harte	" " " "		
Lynn Hertz	22 Pinecone Dr. W. Yarmouth	508-380-3961	lhertz@hotmail.com
Steve Hertz	" " " "		slhertz@hotmail.com
Karen Abbott	808 Salem St. Groveland MA	978-373-0510	
Ben Orlando	104 North Ave Haverhill, Ma	978-468-8370	
Daniel Abbott	808 Salem St Groveland MA		
John Wickman	1479 County Rd Welpole NH	03608	
Greg Kowalcik	17 Burdison St	508-259-0722	
John Harte			



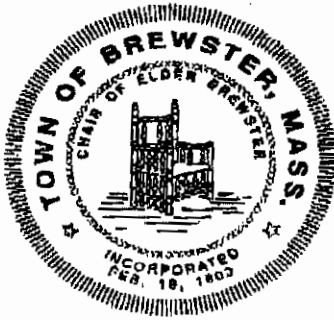
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2.13.05

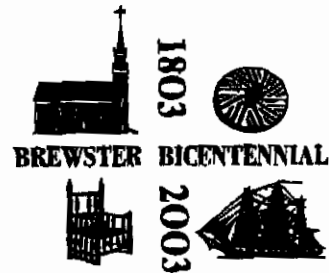
NAME	ADDRESS	PHONE	EMAIL
Susan Carter	12 Hawthorn St. Manchester		
Will Long	12 Waltham St. Manchester		
Sheryl Mearns	Guthrie, MA		
Kimberly Savitsky	174 E. Coast Streetbury 01545		
Newton Johnson	Waltham, MA 02454		
Mollie Shetter	2 Green Ave. Andover MA		
Joan DeBe	40 Village Dr. S. Sandwich		
Mark O'Neale	47011 Colony Westfield MA 01050		
John O'Roark	57 Neptune Lane So. Yarmouth, MA 01955		
Tim Herring	38 Madison Dr. Dennis		madisonmanned.com cat, net
Isabel Schae	32 Duinde Rd		
Leah Patterson	100 Reg St C17-823-8071		
John Maguire	36 Mount St. Marlinton Mass 02122		
Paul Tonn	52 Vernon St. Woburn Mass 01801		
Ken Tan	8 Lincoln St. Manchester MA 01844		





**Board of Selectmen  
Town Administrator**

2198 Main Street  
Brewster, Massachusetts 02631-1898  
(508) 896-3701  
FAX (508) 896-8089



Colonel Thomas Koning  
U.S. Army Corps of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742

VIA FAX 1-978-318-8303

February 23, 2005

Dear Colonel Koning;

I am writing as the Chairman of the Brewster Board of Selectmen to express our Board's majority opposition to the Cape Wind project and to the Draft Environmental Impact Statement (DEIS) released by the U. S Army Corps of Engineers. The permanent encroachment that Cape Wind's proposed project would impose on Cape Cod's irreplaceable shoreline vistas and historic character is in not in the public interest. The potential for wind power exists in many other less important locations, where negative environmental impacts would be less dramatic and their loss would be of a lesser magnitude. The Corps' permit process is an insufficient mechanism under which to review such a proposal. The Corps has failed to give adequate voice to local government concerns. We object to the Corps' further review of this permit application. If the Corps continues to review the application, the application should be denied or deferred to a local ballot referendum.

The Army Corps has a duty to protect the public trust, in this case the open waters and irreplaceable scenic vistas of Nantucket Sound. Approval of the Cape Wind power plant is a fundamental abdication of the Corps' trustee role, as the negative impacts of this proposed project far outweigh its potential benefits. The public's interest is not served by allowing a private developer to take control of these uncalculated public resources for private gain, while collecting millions of dollars of in subsidies from taxpayers.

The Cape Wind project would have negative impacts on Cape and regional residents, as well as on tourists, pleasure boaters and historians by eliminating access to open waters and obstructing historic vistas, potentially forever. Local economies could suffer, perhaps not directly, but by a **systematic erosion of the Cape's reputation as a wild, historic and pristine destination**. Another category of detrimental impacts of this type of development comes at the expense of the region's wildlife and environment. The Cape Wind development would have adverse effects on birds, some of which are federally protected, marine mammals, fish, and may have an overall harmful effect on the Sound's ecosystem, such as creation of disruptive sonic vibrations, which has not been examined. Additionally, the power plant is likely to sacrifice any chance of achieving the longstanding goal of designating the Sound as a National Marine Sanctuary.

The majority of our Board is also opposed to the process used by the Army Corps, as it is not a proper avenue for review of such a project because it does not give adequate voice to **local concerns that may not be precisely quantifiable**. An offshore wind energy development should only be undertaken with the cooperation of all of the communities that will be effected, delving into and studying all of the concerns of the affected local governments and constituents. The Corps should work to facilitate cooperative conservation. The Corps has failed to solicit the input from all sectors of the community. Town and citizen concerns have been given scant attention throughout this review process.

In conclusion, the Cape Wind project and the DEIS have many flaws. The adverse effects discussed above are not adequately or objectively considered in the DEIS. We feel that this project is not in the overall public interest, as the detrimental effects and negative long-term impacts outweigh the short-term private profits. As such, the majority of the Brewster Board of Selectmen objects to the issuance of a permit for this proposal and requests that the Corps reject the application. If the Corps wishes to continue with its review, the project should be put to a local binding referendum ballot question in each Cape and Islands Town.

Sincerely,



Peter G. Norton, Chairman  
Brewster Board of Selectmen

Jillian Douglass  
255 A. P. Newcomb Rd.  
Brewster, MA 02631

Colonel Thomas Koning  
U.S. Army Corps of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742

004015

February 24, 2005

Dear Colonel Koning:

This "Cape Wind" project makes me very angry because it seems to represent all the ways that an essentially good concept can be turned sour and corrupt by fault of its scale and location. I am even angered that the project steals the name of the very place it seeks to exploit and permanently damage.

When asked to describe Cape Cod or the Islands, the typical tourist, whether from the US or the Netherlands or Tokyo, will often use the word "quaint". It is very hard to quantify what that means but, one might feel it refers to the size, style and scale of development (i.e.: the built environment) harkening back to a more modest era. The Cape and Islands' indigenous wind mills of the past are often considered "quaint". They were functional, and allowed for economic growth that directly benefited the people of the area. Many of the Cape and Islands' indigenous windmills were publicly owned to ensure that the immediate community benefited from their productive capacity. With land-based wind power there is no question of ownership or jurisdiction. Further, with land-based wind-power, local people have direct control over the scope, size, scale, number, location and mitigation of the impacts that they perceive result from a wind power project. The interest in local control over wind power structures is evidenced by the number of Cape & Island Towns currently investigating (formally or otherwise) the potential for wind generating facilities on municipally-owned land (Barnstable, Bourne, Brewster, Chatham, Eastham, Falmouth, Dennis, Harwich, Orleans, Mashpee, Nantucket, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, Yarmouth) If the "Cape Wind" project were proposed in any one of these land-based locations it would immediately have been recognized as a "Development of Regional Concern" and all impacted communities would have a voice in the scope, size, scale, number, location and mitigation of the impacts related to the project. It is only through the voice of the Cape Cod Commission, the democratically elected Regional Planning Organization, that the residents of the Cape were granted the extended comment period that so many of us sought.

As evidenced by the planning efforts of Cape & Island Towns related to wind power, there is an interest in wind power as a public good. After all, the wind is still considered an uncontrollable ubiquitous resource. It is the "everywhere" nature of wind that is precisely what makes it so difficult to comprehend why the exploitation of it should be anyone's concern. And in actuality, it is not the exploitation of the wind that is

the primary issue of concern with the "Cape Wind" project. It is the point on the globe where "Cape Wind" proposes to intercept the wind that generates the discussion of jurisdiction and impacts.

I believe it is a failure of our government if private interests can exploit natural resources in such a way that other resources that are less tangible, but certainly no less real to those who experience them, and often-times impossible to recreate or restore, are permanently lost. It is not the interception of the wind proposed by the "Cape Wind" project that has ruffled many local residents. It is the impacts on other less quantifiable natural resources that has us concerned. It is the lack of "jurisdiction" and voice that we, as impacted individuals, have had in the process. A great deal of Massachusetts law and government has been based on the theory that those closest to a project or development are the best able to understand the impacts of the development on local affairs. I must believe that every Town in the Commonwealth has at one time or another issued a "home rule" petition or requested for special legislation, and the State customarily recognizes that the folks that are most closely and deeply affected by an issue should have ultimate authority of the outcome.

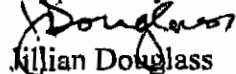
Our federal government also acknowledges that States have authorities to govern independently from each other, based on how the people in those different jurisdictions feel and vote. Each of the Cape and Island Towns are currently grappling with how and where they would like to promote and discourage wind power-generating facilities. The important point here is that each Town recognizes its own authority to shape and control how these project will impact their constituents.

It is particularly insidious that "Cape Wind" has managed to avoid the issue of local control and jurisdiction by selecting a location offshore where none of us technically "lives", despite the fact that many of us spend much time in this area and draw our livelihoods from the "public resources" (open waters, fish, views, maritime history, salt air, etc.) that are here. To assume that the impacts of any development extend only to the entities directly touching or shadowed by it is to fail to comprehend. Cape Codders and Islanders feel a deep sense of ownership and belonging to the waters that surround us. We recognize the need and value of protecting these areas, just as we have recognized the value of protecting land-based open spaces. A great deal of legislation and policy has been directed to allowing Cape and Island residents to intervene and act in ways to protect these "intangible" resources that directly effect the quality of our lives. Cape and Island residents never expected that our federal government would fail us so miserably as to not ensure that the areas off our shore, and presumably federally-protected, would not also be protected from massive private development, such as the "Cape Wind" proposal.

It is particularly noteworthy that up until this challenge of "ownership" by "Cape Wind", that we, the people, the beneficiaries, the stewards, have been the ones entrusted to husband and protect these fragile, bountiful and beautiful areas. Perhaps the federal government, recognizing the diligence of our protective inclinations, and trusting our vociferous protestations, felt no urgency to create protective regulations. Perhaps it was never envisioned that the vast open waters off of our protected shores could be so grossly invaded by so many large and permanent structures. What is troubling to many of us is that these "Cape Wind" structures will permanently and intimately affect Cape Codders and Islanders, and yet we have no "jurisdiction" over the outcome.

Didn't the people of the Commonwealth fight a revolution over a similar issue about 230 years ago? A lack of representation in our governmental and political processes would ordinarily be considered a major failing of our democracy. If we are truly a democratic government, why is there not a ballot question before each of the Cape and Island Towns to garner the opinions of Cape Codders and Islanders with respect to "Cape Wind"? Why shouldn't we put this question to the democratic test? Would that not put some of these questions to rest? At least with a vote on record, the losers might feel less violated and resentful.

Respectfully Submitted,



Jillian Douglass

Brewster Citizen &

Member of Brewster's Alternative Energy Committee

## Adams, Karen K NAE

---

**From:** J Spence [jays42@comcast.net]  
**Sent:** Thursday, February 24, 2005 11:10 AM  
**To:** Energy, Wind NAE; Adams, Karen K NAE  
**Subject:** Public Comments: DEIS

004016

February 24, 2005

Dear Army Corps of Engineers:

Like many residents of Cape Cod, I have spent a good deal of time attempting to educate myself about the issues surrounding the proposed Cape Wind project. As part of that effort I asked for, and received, a copy of the Army Corps of Engineers DEIS report. Upon reviewing the report, I must say that I appreciate the obvious care that the Army Corps has put towards investigating the many complex issues that surround this matter.

Having also read a good deal about this issue from a variety of other sources (including both pro and con perspectives) and attending one of the public hearings on this matter, I feel that I have a fairly good sense of the issues under consideration.

I believe strongly in the need to identify and pursue energy sources that are both economically and environmentally friendly. In doing so, we are all responsible for finding a balance between exploring new energy options while protecting the very environment with which everyone is so rightly concerned. After reading the DEIS, I remain unconvinced that the proposed Cape Wind project adequately achieves such a balance.

Despite dramatic statements regarding the need to reduce dependence on fossil fuels, I've yet to see credible evidence that the Cape Wind project will have any impact whatsoever upon the consumption of foreign oil. Rather, the argument has been that the Cape Wind project represents a "step in the right direction" towards the use of cleaner energy. The question is whether placing 130 industrial structures in Nantucket Sound presents a reasonable trade-off for achieving such a seemingly small impact.

It's hard to know whether the Cape Wind project will ever amount to anything more than an initial step towards efficient energy production. There is much debate over how much success can reasonably be expected, whether the project is sustainable in the long-term without large government subsidies, or whether any significant impact on electricity costs can ever be achieved. Despite all of the intensive study, modeling, and projections it appears that the true impact on the environment, energy production, and energy costs will only ever be measured over time. Perhaps the project will be successful. Perhaps it will be a failure. Despite the substantial effort on the part of the Army Corps, it is practically impossible to know for sure.

However, the visual impact upon Nantucket Sound is indisputable. As soon as those towers are built, regardless of whether the project is deemed a success or failure, nothing can ever be done to restore the Sound to its' original state.

In my opinion, that is a sizeable risk to take and one that must be considered very carefully, and one that gives me substantial cause for concern.

I have the pleasure of being able to walk along Cotuit beaches virtually

every morning. I can only tell you that the vista as one looks from Sampson's Island across the horizon to Martha's Vineyard is truly spectacular. Anyone who claims that Nantucket Sound is merely a high traffic jet-ski and motor boat dominated play land (and there have been such claims in this rhetoric filled debate) is either grossly uninformed or being less than genuine. It is a beautiful, often awe-inspiring, sight.

I can also tell you from personal experience that the test tower situated approximately 11 miles offshore is quite easily identified on many days if one knows where to look. At the same time, a close look makes it is difficult to imagine how the test tower would be visible in any of the projected visual impact studies conducted as part of the DEIS. Because of this, and because the tower is much smaller and nearly two times further out to sea than the closest of the planned turbines, I worry that the visual projections presented in the DEIS document may underestimate the actual aesthetic impact of the proposed wind structures should they be constructed as planned.

It would seem to me that the most prudent means of ensuring that this is not the case, would be to utilize the exact same technology, assumptions, and calculations that were used on the DEIS visual impact estimates to model what the test tower should look like from shore. Comparing those results against what can actually be seen from shore would provide a realistic check against the reliability of the visual studies included in the DEIS.

To help mitigate the potential for underestimating the negative visual impact that will stem from the construction of the Cape Wind turbines and generator, I ask the Army Corps. of Engineers to pursue the following two suggestions:

1) Before making a decision on the proposed construction site, please utilize the exact same technology that was used to create the existing DEIS visual impact estimations in order to project the "expected" visual impact of the existing test tower against actual views from local beaches. If the projected visual impact of the data tower matches actual views, we can all at least be that more comfortable knowing that the visual impact projections included in the DEIS give us at least an accurate sense of what the towers will look like.

2) I believe it is also incumbent upon those with the responsibility of making a final decision that they spend some significant time at each of the many vistas from which the towers will be visible. While arguably not a technical or scientific approach, the only way to truly get a sense of the potential impact is to visualize what those vistas will look like with the towers in place.

Viewing the projected images on printed-paper or computer screens in a remote setting yields little value -- essentially akin to considering estimation in a vacuum. For evidence of this fact one needs to look no further than comments by Jim Gordon himself. He has stated that the wind turbines will appear the size of 1/2 of a thumbnail at arms length. In theory this sounds virtually imperceptible. However, in practice it is a very different story -- a point that is easily confirmed by simply using this rough gauge as a means of viewing large, easily viewed structures in the distance.

The experts involved in this review should apply and consider the visualization tools at the sites in question, at different times of the day, under different lighting conditions. Only then can you get a true sense of the potential aesthetic impact.

Please ensure that those who are responsible for the final decision on this project spend significant time at several of the different vistas that will be affected in order to truly understand what those sites currently offer

and how they may be impacted by the construction of the wind turbines.

There is also significant debate over how the use of federal lands for commercial purposes should be regulated in the future. The Cape Wind project carries obvious implications for any number of similar requests in the future. Clearly this is an issue that will need to be resolved in short order, to avoid massive and chaotic "me first" requests to utilize federal land. At best this issue is not clearly defined. At worst it is completely unregulated.

Because of this, I do not believe it is unreasonable to assume that if this project moves forward, similar requests for commercial use of federal waters will quickly arise. If that is indeed the case, it's likely that a more formal process for determining who can use what and how will be needed; strongly suggesting that the courts and or Congress will ultimately become involved.

Accordingly, I have one final request for the Army Corps of Engineers:

3) Because I don't believe the Army Corps of Engineers should, or indeed can, be expected to answer these larger questions and or policy issues, I think that the only responsible approach for the Corps to adopt when rendering its' decision on this specific request (regardless of whether it is approved or rejected), is to formally recommend that this project not move forward before the appropriate legislative or judicial bodies rule definitively on the larger, more complex question of commercial use of federal land.

The Corps has done, in my opinion, a good job trying to consider all of the issues surrounding this complex matter. However, it should not be expected to do so alone. There are larger questions to be asked and answered. I respectfully request that the Corps acknowledge and formally include such recognition in any findings they ultimately put forward.

Again, I respect and appreciate the efforts put forth by the Army Corps of Engineers on this matter. Thank you in advance for giving serious consideration to the three requests I have submitted in response to my reading of the DEIS report.

Sincerely,

Justin R. Spence  
P.O. Box 304  
Cotuit, MA 02635  
508-428-3366



## Adams, Karen K NAE

---

**From:** Joanna Crawford [joanna\_crawford@lsrhs.net]  
**Sent:** Thursday, February 24, 2005 9:39 AM  
**To:** Energy, Wind NAE  
**Subject:** Karen Kirk Adams/Cape Wind Energy Project

004017

Karen Kirk Adams  
Cape Wind Energy Project  
EIS Project Manager  
Army Corps of Engineers  
New England District  
696 Virginia Rd.  
Concord, MA 01742-2751

Dear Ms Adams:

Thank you for providing me with the opportunity to comment on the preparation of the Environmental Impact Statement (DEIS) for the Cape Wind Energy Project. My messages are simple. First, I feel that we need to develop wind power for New England and that every effort should be made to choose an appropriate off-shore site for this proposed project. Second, I am concerned about building the project in an area where there are lots of flying birds. Thus, the alternatives in Nantucket Sound must be examined more fully, and compared with the alternative that is further off-shore, near Tuckernuck Island. This comparison should be fully developed in the revision of the DEIS (FEIS). If it is determined that that the risks to endangered birds (roseate terns and piping plovers) would be less off of Tuckernuck Island, then this location should be given consideration for permitting.

Thank you very much,

Joanna W. Crawford  
20 Old Concord Road  
Lincoln, MA  
01773

## Adams, Karen K NAE

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**From:** Tony Marinelli [agm1111@adelphia.net]  
**Sent:** Thursday, February 24, 2005 2:25 PM  
**To:** Energy, Wind NAE  
**Subject:** Cape Wind Project

004018

Please accept this as a public comment in favor of the construction of a windmill farm in Nantucket Sound.

My wife and I are very much in favor of the production of clean electrical power. Cape Wind represents the best plan put forth thus far for accomplishing this.

While we are aware of the many detractors of this project, and their arguments, I have yet to hear of a viable alternative put forth to produce the additional electrical power that this region needs. The environmentalists say "no" to coal use; "no" to oil use; "no" to nuclear power and now they say "no" to clean air.

Enough is enough! We need more electric generating capacity. This need has been clearly evidenced by the network power failures, (due to overload), that have occurred in recent years. At the same time, no new capacity generation facilities have been constructed.

We badly need the clean energy that the Cape Wind project will provide. And, the sooner we begin it's construction, the better!

Thank you for you time and consideration of this critical issue.

Sincerely,

Anthony & Doreen Marinelli  
14 Orchard Way  
Sandwich, MA 02563  
agm1111@adelphia.net

**Adams, Karen K NAE**

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**From:** Revbobbrooks@aol.com  
**Sent:** Thursday, February 24, 2005 2:24 PM  
**To:** Energy, Wind NAE; mepa@state.ma.us  
**Cc:** marc@mbreslow.org  
**Subject:** Cape Wind Project

004019

I'm writing **in support** of this important initiative.  
Bob Brooks  
Rector

The Rev. Robert T. Brooks  
***Grace Church in Providence***  
175 Mathewson Street  
Providence, RI 02903  
401 331 3225  
gracechurchprovidence.org

**Adams, Karen K NAE**

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**From:** Susan Altman [susan.altman@comcast.net]  
**Sent:** Thursday, February 24, 2005 12:38 PM  
**To:** Energy, Wind NAE  
**Subject:** Cape Wind Comments

004020

February 24, 2005

Karen Kirk Adams

Cape Wind Energy Project

EIS Project Manager

Corps of Engineers, New England District

696 Virginia Road

Concord, MA 01742-2751

wind.energy@usace.army.mil

Dear Ms. Adams:

I am writing to support the draft Environmental Impact Statement that your office issued several months ago for the Cape Wind Project, and to suggest that you complete a final EIS expeditiously so that this important project can go forward. Our country must develop new sources of energy that are not based on petroleum sources, in order to make us less reliant on foreign oil and to lessen air pollution and global warming. I am proud to live in New England and hope this region will lead the nation in showing that wind energy is clean, efficient, environmentally benign, and an important part of our energy portfolio.

The draft Environmental Impact Statement appears to indicate that there will be no impacts from Cape Wind on aquatic life, minimal impacts on commercial and recreational boating, and a relatively small number of bird kills per year.

Cape Wind would emit no air or water pollution, and by allowing for a substantial reduction in use of fossil-fuel power plants would cut annual air pollution by about 448 tons of particulates, 120 tons of carbon monoxide, 4,642 tons of sulfur dioxide, and 1,566 tons of nitrous oxides, along with several hundred pounds of toxics such as mercury. By one estimate, Cape Wind would have public health benefits of \$53 million a year due to reduced deaths and illness from respiratory ailments.

Cape Wind would also reduce carbon dioxide emissions -- the main cause of global warming -- by more than one million tons per year. By doing so it would make the single greatest contribution to preventing climate change of any project or policy measure in New England. Since climate change is the greatest environmental threat facing the planet, by itself this is sufficient reason to support Cape Wind.

2/24/2005

Cape Wind would also have economic benefits by reducing our reliance on fossil fuels whose overseas sources are insecure and whose prices may jump by large amounts in future years. According to the state's Energy Facilities Siting Board, by putting downward pressure on electricity prices Cape Wind would save consumers in New England about \$25 million a year, with \$10 million of that being saved by Massachusetts customers.

For all these reasons, I urge the Army Corps to give its approval to the Cape Wind Project.

Yours truly,

Susan Altman

201 Winthrop Street

Medford, MA 02155

**Adams, Karen K NAE**

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004021

**From:** Debbiecl@aol.com  
**Sent:** Thursday, February 24, 2005 9:11 AM  
**To:** Energy, Wind NAE; mepa@state.ma.us; pdascombe@capecodcommission.org  
**Subject:** Cape Wind Comments

I am writing to express my support for the Cape Wind project. It is extremely important that we develop alternative sources of energy, and this project is a very good start. My understanding is that the environmental impact will be minimal. I hope you will support it.

Sincerely,  
Rev. Dr. Deborah L. Clark, Pastor, Edwards Church UCC, Framingham, MA

2/24/2005

**Adams, Karen K NAE**

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004022

**From:** Janet and Richard Hart [bondoobay@comcast.net]  
**Sent:** Thursday, February 24, 2005 1:08 AM  
**To:** Energy, Wind NAE  
**Cc:** anne.canaday@state.ma.us  
**Subject:** I oppose the Cape Wind project

Dear Ms. Kirk-Adams:

I am writing to express my opposition to Cape Wind's plan to build a wind farm in Nantucket Sound. Viable alternatives exist to completely destroying the pristine waters off the coast of Massachusetts. In Europe, for example, wind farms must be built at least 12 miles offshore. There is no reason to allow Cape Wind to effectively use approximately 24 acres of public lands for free.

There are many other reasons why this project is a bad idea. According to the Massachusetts Historical Commission, it would have a negative impact on 17 historical sites along the Cape and Nantucket and Martha's Vineyard. The farm also creates a boating and aviation hazard.

The Draft Environmental Impact Statement on the Cape Wind project is based in large part on data provided by Cape Wind's consultants. Neutral experts should be consulted before this project is given any further consideration.

Thank you.

Janet Arnold Hart  
390 Chestnut Street  
San Carlos, CA 94070

2/24/2005

**Adams, Karen K NAE**

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004023

**From:** Nickerson, Brian M Mr [Brian.Nickerson@MA.ngb.army.mil]  
**Sent:** Thursday, February 24, 2005 1:35 PM  
**To:** Adams, Karen K NAE  
**Subject:** Major General George Keefe Official Comment on Cape Wind DEIS

Good Afternoon, Karen. Please find the attached:

Letter from Major General George Keefe, The Adjutant General of Massachusetts  
Attachment to MG Keefe's Letter - MANG Wind Farm Report, as found in Appendix 3L of the  
DEIS

Please contact me if there are problems with the attachments or if you have any questions.

Brian Nickerson  
Massachusetts National Guard  
508-968-5153  
DSN 557-5153

2/24/2005





REPLY TO  
ATTENTION OF:

**DEPARTMENTS OF THE ARMY AND AIR FORCE  
MASSACHUSETTS NATIONAL GUARD  
50 Maple Street  
Milford, Massachusetts 01757-3604**

15 February 2005

Ms. Karen K. Adams  
Corps of Engineers, New England District  
696 Virginia Road  
Concord, MA 01742

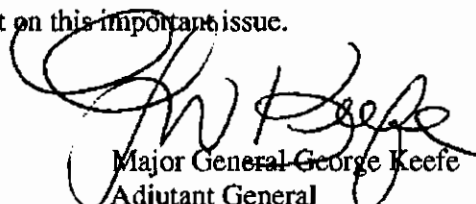
**SUBJECT: Cape Wind Draft Environmental Impact Statement**

Dear Ms Adams:

The Massachusetts National Guard has had an opportunity to participate in the Draft Environmental Impact Statement (DEIS) process for the Cape Wind proposal to locate a wind energy facility in Nantucket Sound. As you know, the Massachusetts Military Reservation (MMR) was selected by the US Army Corps of Engineers as a prospective alternative to the Nantucket Sound location for the Cape Wind representatives to analyze as part of the DEIS. MMR is the site of both Otis Air National Guard Base and Camp Edwards Army National Guard Training Site.

Incorporated into the DEIS is Appendix 3-L that includes a detailed statement by the Massachusetts National Guard as to the reasons why a wind generating energy facility at MMR would not be feasible for military training and environmental reasons. There has been nothing additional presented in the DEIS or the public input process that would refute or change this information. Therefore, the official position of the Massachusetts National Guard is to reaffirm the assertions of the statement included in the DEIS appendix and enclosed herein.

Thank you for the opportunity to comment on this important issue.

  
Major General George Keefe  
Adjutant General  
Massachusetts National Guard

cc: COL Thomas Koning, District Engineer, USACE

## Adams, Karen K NAE

---

**From:** Bocchino, Joseph A NAE  
**Sent:** Thursday, February 24, 2005 3:40 PM  
**To:** Adams, Karen K NAE  
**Subject:** FW: Cape Wind Energy Project

004024

Karen

fyi. Please note the third paragraph. I defer follow-up action to you and your team in accordance with established procedures.

Happy last day of comment period.

BO

-----Original Message-----

**From:** Bocchino, Joseph A NAE  
**Sent:** Thursday, February 24, 2005 3:38 PM  
**To:** 'Deborah Aylesworth'  
**Subject:** RE: Cape Wind Energy Project

thank you for your comments and concerns. I have forwarded your message to Ms. Karen Adams, our Project Manager for this activity. Your message will be made part of the record.

Joe Bocchino

-----Original Message-----

**From:** Deborah Aylesworth [mailto:dnaredriver@comcast.net]  
**Sent:** Tuesday, February 22, 2005 8:22 PM  
**To:** Bocchino, Joseph A NAE  
**Subject:** Cape Wind Energy Project

Dear Mr. Bocchino,

I have the information which was distributed at the public hearing on Cape Cod and I have followed the print, radio and TV coverage. I did attend the meeting at the Middle School in Yarmouth and listened carefully to all speakers. I have been connected to Cape Cod since 1954. My family moved here in 1973. I have seen alot of change as the need for housing and commercial development increased. With that has come the need for increased energy. I will not be in the sightlines of the turbines so this is not a "not in my back yard" issue for me.

I want to encourage the Corps to look at this project as one that will impact more than the current population on Cape Cod. This will have an effect on any one who looks at, crosses, or experiences this body of water as a source of food, transportation, beauty for many years to come. The Sound is a body of water that will be severely impacted by the Cape Wind Project. It is clear from both sides of the issue that the Cape will not derive a great deal of savings from this project since the power goes into a grid. Only the people who have invested in this project will reap the benefits.

I have read a great deal about the pros and cons but have not heard anyone ask about whether the turbines will be lighted with flood lights or something like that. If that is the case, the amount of light sent into the night-time sky by such a large number of turbines will change (pollute) the sky forever. I hope you will respond to this concern.

I am very concerned that this project has not been given the fullest hearing in the Federal and State jurisdiction. The project has been located on Horseshoe Shoals in such a way as to skirt around both jurisdictions. Please do not give away this unique and beautiful body of water. It would be a frivolous act. There are so many ways that we can come together in the best way to protect our environment and to find new sources of energy. I do not believe that Cape Cod should be made to bear the brunt of this country's hunger for energy. Let us just practice turning down our heat and lights and driving more energy efficient cars. Cape Wind is not our savior. We must search for a solution that will protect our sea and land and no line the pocketbooks of a few people. Sincerely, Deborah N. Aylesworth, South Harwich.

004025

**COMMENTS OF  
MASSACHUSETTS ATTORNEY GENERAL  
THOMAS F. REILLY**

Before  
U.S. Army Corps of Engineers  
on the  
Draft Environmental Impact Statement  
for the  
Cape Wind Energy Project  
NAE-2004-338-1

February 24, 2005

### The Impacts:

Given the benefits that renewable energy sources potentially bring, Attorney General Reilly does not oppose the Cape Wind project lightly. But there is a right way – and a wrong way – to accomplish desirable objectives. This is the wrong way.

Placing 130 massive wind turbines just a few miles off-shore will have a dramatic, permanent impact on what is now a largely untouched scenic vista. The DEIS' euphemistic language that the project would “add a built element to existing daytime views of the seascape” does not come close to describing the true impacts.

There is nothing illegitimate about such aesthetic concerns. To the contrary, protecting the scenic beauty of wilderness areas is at the core of the environmental movement. Nantucket Sound is a beautiful, undeveloped open space, and plunking down 130 extraordinarily large, man-made towers into the middle of it is a form of sprawl that will have serious, negative impacts.

Some proponents assert that wind farms are beautiful, so that even based on aesthetics, this wind farm should be sited. In support of such arguments, they point to widely-acclaimed success stories in Europe, such as a recently-built wind farm off of Copenhagen, Denmark, which involves twenty towers lying in a graceful sweep directly off of an industrial section of the city. But the fact that wind farms *can* be beautiful, does not mean that a given wind farm *will* be beautiful, regardless of its size, layout, or location.

### Inadequacy of the process:

A similar point can be made about the sufficiency of the existing regulatory process. Proponents point to the lengthy environmental review process that is underway. But the length of the process cannot make up for the flaws that lie at its core. The current process includes no prospective planning of where we – as a society – want to put our off-shore wind farms. Instead the process is inherently a reactive one biased toward giving away an invaluable public resource to the first private developer to seek its use.

In addition, while Attorney General Reilly has great respect for the core competency of the Army Corps in constructing public works projects, we should not leave to military engineers the ultimate question of whether this energy facility should be allowed in a pristine natural area. The Corps is fundamentally ill-suited to making such decisions given its own relatively narrow mission.

### Lack of Authority:

To anyone who wonders how Congress could have delegated such a question to the Corps, Attorney General Reilly has a simple answer: it didn't. Based on his review of the applicable law, he does not believe that a permit from the Corps pursuant to Section 10 of the Rivers and Harbors Act provides sufficient authority to allow a private party to occupy federal

public trust lands, such as those at issue here. The DEIS is fatally flawed by not recognizing this. Attorney General Reilly attaches, and incorporates by reference, the legal arguments set forth in the amicus brief submitted to the First Circuit Court of Appeals in *Alliance to Protect Nantucket Sound, Inc. v. United States Dept. of the Army*, No. 03-2604.<sup>1</sup> We request that the Corps address these issues both in the NEPA process and in its public interest review under §10 of the Rivers and Harbors Act.

It is important to keep in mind that a proper statute would provide guidance that would enable an agency to make permitting choices in a principled way. For other kinds of energy projects, Congress has spoken about where to strike the balance between energy development and land conservation. As evidenced by the long debate on potential drilling in the Arctic National Wildlife Refuge, national policy draws distinctions about what energy projects can be located in pristine natural areas, with literally millions of acres declared off limits to energy development.

On what basis can the Corps say that Nantucket Sound should or should not be similarly protected? Congress has simply not addressed that question. When the time comes for the Corps to issue a permit, its decision will therefore necessarily be arbitrary, because the Corps will have no way of knowing whether its decision comports with national policy or not. Attorney General Reilly therefore urges the Corps not to proceed without Congress *first* having established a proper system for determining the use of our shore lands.

#### Ocean Sanctuaries Act:

The “construction or operation of offshore or floating electric generating stations” in designated “ocean sanctuaries” is expressly prohibited by state law. M.G.L. c. 132A, § 15. The proposed site of the wind farm falls squarely within a designated ocean sanctuary, and constructing the project therefore is inconsistent with state law.<sup>2</sup> After the enactment of the

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<sup>1</sup>In an opinion issued on February 16, 2005, the Court declined to reach the issues raised by Attorney General Reilly because the case before them involved only a temporary research test tower, not a long-term occupation of large tracts of federal land. Specifically, the Court concluded that “[w]hether, and under what circumstances, additional authorization is necessary before a developer infringes on the federal government’s rights in the [Outer Continental Shelf] is a thorny issue [but] one that is unnecessary to delve into in the instant case.” \_\_\_ F. 3d. \_\_\_, available at <http://www.ca1.uscourts.gov/cgi-bin/getopn.pl?OPINION=03-2604.01A>, p. 8.

<sup>2</sup>Section 16 of the Ocean Sanctuaries Act allows in most ocean sanctuaries “the planning, construction, reconstruction, operation and maintenance of industrial liquid coolant discharge and intake systems and all other activities, uses and facilities associated with the generation, transmission, and distribution of electric power [so long as such activities, uses, or facilities otherwise comply with applicable law].” The Department of Conservation & Recreation is charged with implementing the Act, and it has interpreted §16 as allowing only uses associated

Ocean Sanctuaries Act, the Supreme Court resolved that the area where the project has been proposed lies in federal waters, not state waters. *U.S. v. Maine*, 475 U.S. 89 (1986). We recognize that, because states generally lack regulatory jurisdiction outside their territorial boundaries, the Ocean Sanctuaries Act does not directly regulate activities in federal waters.<sup>3</sup> It does not follow, however, that the Act is therefore irrelevant. To the contrary, the fact that the wind farm would otherwise be prohibited under state law remains relevant in at least two independent ways. First, the Outer Continental Shelf Lands Act (OCSLA) incorporates applicable state law as federal law to the extent that it is not inconsistent. 43 U.S.C. 1333(a)(2). No such inconsistency exists. Although now deemed federal waters, the area in question is almost completely surrounded by state waters. Applying the substantive provisions of the Ocean Sanctuaries Act to this area – as the state legislature plainly intended long before the federal government asserted its claim to the area – serves to provide a uniform set of regulatory standards to similarly situated waters. There is no basis for the Corps to conclude that applying the Ocean Sanctuaries Act to this area is inconsistent with OCSLA.<sup>4</sup>

Further, because the area in question was specially designated for protection under the state Ocean Sanctuaries Act, it plainly qualifies as a “marine protected area” (MPA) under federal Executive Order 13158. *See* 65 Fed. Reg. 34909 (May 31, 2000).<sup>5</sup> That Executive Order requires federal agencies to “avoid harm to the natural and cultural resources that are protected by an MPA” [t]o the extent permitted by law and to the maximum extent practicable.” Since the DEIS confirms that the project will harm the natural resources, Executive Order 13158 requires

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with generating facilities (such as cooling water outfalls), not generating facilities themselves.

<sup>3</sup>State officials have long recognized this point. Relying on such statements, a panel of the First Circuit appears to have concluded that – as a matter of *state* law – the Ocean Sanctuaries Act no longer applies to the geographical area in question. *Ten Taxpayers Citizens Group v. Cape Wind Associates*, 373 F.3d 183, 195-96 (1<sup>st</sup> Cir. 2004). This is incorrect. The Court confused two distinct questions: what state law provides and the extent to which that law remains effective in light of *U.S. v. Maine*. In addition, the boundary between state and federal waters is being revised seaward as a result of the discovery of certain “drying rocks.” Any wind turbines proposed in what is being re-designated state waters are directly prohibited by the Ocean Sanctuaries Act.

<sup>4</sup>To the extent that a panel of the First Circuit concluded that OCSLA automatically ousted all state land use regulation, this conclusion is belied by the express language of OCSLA which affirmatively incorporates state law except to the extent it is inconsistent. *See*, 43 U.S.C. 1333(a)(2).

<sup>5</sup>Section 2 of the Executive Order defines an MPA as “any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.”

the Corps to deny the requested Section 10 permit, an action that is both “permitted by law” and “practicable.”<sup>6</sup>

#### Flawed Alternatives Analysis:

The DEIS is flawed in other ways as well, including in its examination of alternatives to the facility. The DEIS defines the purpose served by Cape Wind as establishing a “commercial-scale” renewable energy project, and it assumes (with virtually no analysis) that only a project of this scale is commercially viable. Based on these premises, the DEIS examines only renewable energy alternatives that are of a comparable scale. With these (unjustified) premises in place, the conclusion that the Cape Wind project may be the only feasible alternative is largely pre-ordained.

The DEIS should have examined the option of undertaking small-scale renewable energy projects that collectively could produce comparable amounts of electricity. There are obvious benefits from starting on a smaller scale and building support for renewable energy over time, rather than trying to start with a project of such gargantuan scale.

Similarly, the DEIS is flawed in its failure to examine energy conservation as an alternative to the facility. The DEIS assumes a continuing increase in the demand for electric power, and it touts the benefits of renewable energy to meet that demand. Taking steps to decrease the demand for electricity is an even better environmental alternative, and one that the Corps should have examined.

The DEIS examined one on-shore wind farm alternative (at the Massachusetts Military Reservation). Although the turbines sited at MMR would be quite visible from the bridges to the Cape, they would otherwise largely be hidden given the topography and vegetation around the base. The Corps all but concludes that the MMR option is commercially infeasible because the winds there are less than those on Nantucket Sound. Its analysis, however, appears incomplete and biased in favor of finding this alternative infeasible.

#### Conclusion:

In sum, the DEIS is an inadequate document, that resulted from a flawed process, that was based on an invalid understanding of the underlying law. Attorney General Reilly urges the Corps to reconsider its whole approach to this matter.

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<sup>6</sup>The Ocean Sanctuaries Act continues to stand as the Commonwealth’s most authoritative statement of what activities it wants in designated ocean sanctuaries, regardless of whether the statute can be enforced directly in areas subsequently deemed federal waters. The state Office of Coastal Zone Management is reviewing the import of this for purposes of federal consistency review under the Coastal Zone Management Act.



United States Court of Appeals  
for the First Circuit

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ALLIANCE TO PROTECT NANTUCKET SOUND, ET AL.,  
*Plaintiffs-Appellants,*  
*v.*

U.S. DEPARTMENT OF THE ARMY, ET AL.,  
*Defendants-Appellees.*

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ON APPEAL FROM A JUDGMENT OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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**BRIEF FOR THE COMMONWEALTH OF MASSACHUSETTS  
AMICUS CURIAE**

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THOMAS F. REILLY  
*Attorney General  
of Massachusetts*

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First Circuit #19563  
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# United States Court of Appeals for the First Circuit

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ALLIANCE TO PROTECT NANTUCKET SOUND, ET AL.,  
*Plaintiffs-Appellants,*  
v.

U.S. DEPARTMENT OF THE ARMY, ET AL.,  
*Defendants-Appellees.*

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ON APPEAL FROM A JUDGMENT OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

---

## **BRIEF FOR THE COMMONWEALTH OF MASSACHUSETTS AMICUS CURIAE**

### **Statement of Interest.**

Although Massachusetts does not challenge the specific permit in issue on this appeal, we are deeply concerned by the decision as a portent for the future of the coastal waters off of Massachusetts, particularly Nantucket Sound. The test tower in issue here is designed to gather data to support a much larger, permanent installation already under consideration by the Army Corps of Engineers. That is a proposal to build a “wind farm,” consisting of 170 wind turbines spread over twenty-six square miles of Nantucket Sound.

As benign as the proposal may seem, there is no statutory authority for the use of federal tidal lands for wind power generation. Massachusetts has repeatedly called upon the United States to seek legislative authorization before permitting such uses. The United States, and the Corps in its defense to this complaint, has refused to address this important issue.<sup>1</sup>

The Corps has advanced a variety of ill-considered, and inconsistent, positions to excuse its failure to address this issue. The prevailing argument below was that the Corps need not, indeed *cannot*, involve itself in a dispute about whether the project proponent has the requisite property interest to allow the project to be constructed. However, the Corps also argued both: that the United States does not claim title to the seabed in Nantucket Sound (and therefore Cape Wind Associates needs no authorization beyond a Rivers and Harbors Act (RHA) § 10 permit to occupy the seabed);<sup>2</sup> and that a § 10 permit may constitute sufficient authorization to occupy the seabed within U.S. territorial waters for projects not otherwise authorized by federal law.

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<sup>1</sup>See Massachusetts Motion for Leave to File Memorandum Amicus Curiae, Attachments (correspondence between Massachusetts and U.S. Department of Justice and Army Corps of Engineers).

<sup>2</sup>It was this argument that led Massachusetts to file an *amicus curiae* memorandum in the District Court. Although the Corps subsequently retreated from this position, it still does not acknowledge a duty to prevent unauthorized occupation of public lands, including the seabed in Nantucket Sound.

Massachusetts is thus concerned that the Corps' various positions in this case, and the District Court's decision excusing the Corps from considering whether there is authority for building a particular structure on the seabed in Nantucket Sound, may be seen as a green light by promoters of all sorts of unsanctioned offshore projects.

While Massachusetts is interested in any activity on its doorstep, we claim a particular interest in Nantucket Sound. For three centuries the inhabitants of the Cape and Islands have gained their living from the sea, including in particular Nantucket Sound.<sup>3</sup> The importance of the Nantucket Sound "commons" for Cape and Island towns has been reflected throughout this period in regulation of the fisheries, particularly shellfishing, as well as other activity on the water. Nineteenth Century charts indicate that jurisdiction over the entire Sound was apportioned among the counties abutting the Sound, extending the protections of county regulation on the water as well as land.

In the last century, the Commonwealth assumed responsibility for fisheries regulation throughout the Sound. In the late 1960's, concern over proposals to begin oil and mineral exploration off the Massachusetts coast and in Nantucket

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<sup>3</sup>Obed Macy, in his history of Nantucket, tells the story of a group of Nantucketers in 1690, watching whales spouting in the Sound, saying, "there . . . is a green pasture where our children's grandchildren will go for their bread." Obed Macy, *The History of Nantucket* 33 (1835).



Sound led the Legislature to reexamine the location of Massachusetts' external boundary along the coast. Following that study, the Legislature expressly declared the Sound to be internal waters of the Commonwealth, and directed charts to be prepared accordingly. And, in 1971, the Legislature declared the Nantucket Sound seabed to be an ocean sanctuary. St. 1971, c. 742, *as amended by* St. 1974, c. 822, codified in G.L. c. 132A, §§ 14-15.

The Supreme Court's judgment, in 1986, that Nantucket Sound is not internal waters of the Commonwealth, foreclosed Massachusetts' proprietary claim to the seabed in the interior part of the Sound beyond the three-mile territorial sea, but by no means ended the Commonwealth's interest or regulatory authority with respect to the area. The Sound remains an important factor in the economy – now as much because of the opportunities it provides for recreation and enjoyment as because of the fisheries, and Massachusetts continues to have and exercise regulatory authority throughout the Sound under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1856(a)(2)(B).

### **Summary of the Argument.**

Arguments by the United States or the Army Corps to the effect that the seabed beyond the State territorial sea may be occupied by private parties without federal statutory authority, that the Corps may not consider the applicant's authority to occupy the seabed, or that a § 10 permit under the Rivers and Harbors Act provides authority for such occupation, conflict with legal principles concerning sovereign rights and duties in submerged lands, and particularly the seabed in Nantucket Sound.

#### **I.**

In litigation with Massachusetts, the United States specifically claimed title to the seabed in the central part of Nantucket Sound, beyond State territorial waters, and the Supreme Court specifically decreed that the United States has such title, in the same terms and to the same extent as Massachusetts has title to the seabed within the territorial sea under the Submerged Lands Act, 43 U.S.C. §§ 1311 *et seq.*

#### **II.**

Quite apart from its litigation with Massachusetts, at least since the *Submerged Lands Cases* (*United States v. California*, 332 U.S. 19 (1947); *United States v. Louisiana*, 339 U.S. 699 (1950); and *United States v. Texas*, 339 U.S. 707

(1950)), the United States has claimed title to the seabed of the territorial sea. Although the Submerged Lands Act transferred that title to the coastal States, the subsequent extension of the territorial sea in 1988 out to twelve miles established the United States' claim of title to the seabed in the belt between the three-mile State territorial sea and the twelve-mile limit of the United States' territorial sea. This claim is consistent with the United Nations Convention on the Law of the Sea (1982). Since Nantucket Sound is entirely within the extended territorial sea, the United States' general claim of title to the seabed in the territorial sea also establishes its title in Nantucket Sound.

### III.

The United States' title to the seabed in Nantucket Sound establishes that the seabed is "property belonging to the United States" within the meaning of Article IV, § 3 of the United States Constitution. Accordingly, the power to dispose of any interest in the seabed is vested in Congress.

Congress has authorized grants of temporary interests in the seabed and subsoil for certain specific purposes, such as the extraction of minerals, petroleum and gas, development of thermal energy resources, and construction of deepwater ports. It has not, however, enacted any general purpose authorization such as the Federal Land Policy Management Act, 43 U.S.C. §§ 1701 *et seq.* for disposition of submerged lands.

Moreover, longstanding principles regarding submerged lands preclude any claim that such authorization can be implied in the Rivers and Harbors Act administered by the Army Corps. This is particularly true given that the Corps' permitting authority on the Outer Continental Shelf is governed by the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. §§ 1331 *et seq.*, which grants dispositional authority to the Secretary of the Interior, or the Secretary of Energy and FERC, rather than the Corps.

Accordingly, the Corps has no authority under the RHA or OCSLA to authorize occupation of the seabed in Nantucket Sound.

The United States' rights in the seabed in Nantucket Sound are impressed with a public trust, and the United States has an affirmative duty to protect and defend public rights from private appropriation. Given the breadth of the Corps' authority under § 10 of the RHA, as described in *United States v. Alaska*, 503 U.S. 569 (1992), there can be no basis for a claim by the Corps that it is not empowered to inquire as to whether a permit applicant is authorized to occupy the seabed in Nantucket Sound.

### **Argument.**

Three arguments advanced below by the United States appear to abjure responsibility for defending public rights in the seabed in Nantucket Sound. Underlying each argument appears to be a misunderstanding as to the status of the Sound and the responsibilities flowing therefrom.

The decision accepts the Corps' argument that, in reviewing a permit application under § 10 of the Rivers and Harbors Appropriation Act ("RHA"), 33 U.S.C. § 403, the Corps *cannot* inquire into the applicant's claim of a property interest required to conduct the activity. Opinion at 20-21. As sensible as it may seem for the Corps to stay out of private property disputes, the issue looks very different when public rights are at stake.<sup>4</sup> Here, the consequence of the Corps' "hear no evil, see no evil" approach may well be the privatization of an invaluable public resource without affirmative statutory authority, without compensation for

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<sup>4</sup> Because the applicant's proposal calls for occupation of *public* lands, the District Court's rationale is difficult to square with *United States v. Alaska*, 503 U.S. 569, 581-83 (1992). There, the Court ruled that under § 10 the Corps was not confined to determining whether a project would interfere with navigation, but could deny a permit on the basis of virtually any legitimate public interest, including the United States' interest in maintaining its rights to the seabed beyond State territorial waters. 503 U.S. at 579-80. If the Corps could deny a permit because it would extend Alaska's territorial waters some small distance, surely the Corps has authority to deny a permit for a project that would occupy public lands without statutory authority.

the occupation of public lands, and without challenge by those federal agencies that should be guardians of public rights.

In tandem with the argument accepted by the District Court, and seemingly as a rationalization of it, the Corps initially also argued that the United States does not claim a proprietary interest in Nantucket Sound beyond Massachusetts' territorial waters, so that, allegedly, occupation of the seabed would not derogate from public rights.<sup>5</sup> Although the Corps subsequently retreated from this position, it remains implicit in the argument accepted by the District Court. Moreover, although the Corps purports to concede the United States' interests in the seabed in Nantucket Sound, it still wholly fails to recognize that because these are public lands, they are subject to a public trust, cannot be disposed of without congressional authorization, and indeed must be affirmatively defended by the United States from attempts to appropriate them for private purposes.

Finally, in its reply memorandum below, the United States asserts that a § 10 permit may be sufficient federal "authorization" for a project such as the wind farm even if it is proposed for public lands.<sup>6</sup> It is not clear whether the Corps really

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<sup>5</sup>This position was also advanced by Cape Wind Associates in its Opposition to Plaintiffs' Motion for Summary Judgment and Memorandum in Support of Cross-Motion for Summary Judgment (Cape Wind Opposition) at 12-14.

<sup>6</sup>The Army Corps argued that the Alliance's "premise" "that Cape Wind did, in fact, need some additional form of federal approval to acquire the 'requisite' property interest to build the Data Tower . . ." was unsupported. Rather, the Corps

intends to reposition its public interest review regulation as a catch-all licensing program for projects not otherwise authorized by law, or instead means only to assert that its decision to take cognizance of public rights, or not, in acting upon a permit is a purely discretionary matter. In either case, the Corps' position overlooks the point that the power to dispose of public lands rests with Congress,<sup>7</sup> and forgets its own duty to defend public rights and to prevent encroachment on public tidal lands.

Our purpose in submitting this brief is to describe the legal regime that governs Nantucket Sound and to show that the seabed in the Sound beyond Massachusetts territorial waters cannot be occupied without affirmative statutory authority in addition to a permit under § 10 of the RHA. The Court should reject any argument by the Corps that it need not consider whether a proposed occupation of the seabed is authorized by law, or that the Corps itself may authorize such an occupation absent congressional authorization.

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argued, “Plaintiffs do not explain why they believe a Corps permit validly issued [under § 10] cannot constitute such an ‘authorization,’ nor do Plaintiffs acknowledge the great deference due the Corps in interpreting its own regulations . . . . Plaintiffs have provided no persuasive rationale . . . for their assertion that Cape Wind needed anything more than a Section 10 permit . . . .” Reply Memorandum at 11 n.12.

<sup>7</sup>U.S. Const. Art. IV, § 3, cl. 2.

I. THE UNITED STATES' PROPRIETARY RIGHTS IN NANTUCKET SOUND WERE DEFINITELY CONFIRMED IN LITIGATION AGAINST THE COMMONWEALTH.

A. *The First Phase of Litigation and the 1975 Decree.*

In 1969, facing uniform opposition from States along the Atlantic to its plans to lease areas of the Outer Continental Shelf for oil exploration, the United States brought an original “action to quiet title” in the Supreme Court. The United States prayed for a judgment that:

“[T]he United States is now *entitled*, to the exclusion of the defendant State, to exercise sovereign rights over the seabed and subsoil underlying the Atlantic Ocean, lying more than three geographical miles seaward from the ordinary low-water mark and from the outer limit of inland waters on the coast, extending seaward to the outer edge of the continental shelf . . . .”

*United States v. Maine*, 420 U.S. 515, 517 (1975) (emphasis added). The United States also “demanded an accounting for all sums that the States may have derived from the area in question,” *id.* at 517 n.2. The Court appointed a Special Master and, upon his recommendation, entered a judgment in 1975 decreeing that as between the coastal States and the United States, the United States “is entitled to all the lands, minerals and other natural resources” on the Continental Shelf outside the three mile territorial sea, and that the States are “entitled to all the lands, minerals, and other natural resources” from the coastline out to the edge of the three mile territorial sea. *United States v. Maine*, 423 U.S. 1 (1975) (decree).



The nature of the action brought by the United States against the Atlantic States (a quiet title action), and the relief requested (a decree determining the United States' "entitlement" to lands and minerals, and an accounting for funds realized by the States from exploitation of those lands and minerals), necessarily imply a claim of ownership by the United States to the Continental Shelf beyond the territorial sea. *See United States v. West Virginia*, 295 U.S. 463, 473 (1935) (rival claims of sovereign power, as distinguished from rival claims of title, will not support original action to quiet title); *United States v. Oregon*, 295 U.S. 1, 22 (1935) (United States' claim of title to lake bottom was sufficient to support action to quiet title even if third party's claim might be superior).

The United States prevailed in the litigation. The judgment entered by the Court decrees that

As against the defendant States . . . the United States is *entitled* to all the lands, minerals, and other natural resources underlying the Atlantic Ocean more than three geographic miles seaward from the coastlines of those States and extending seaward to the edge of the Continental Shelf.

423 U.S. 1 (emphasis added). Lest the United States argue that the Court used its terms loosely in framing the decree, the evidence demonstrates otherwise. First, the decree entered by the Court uses identical language in determining the United States' rights in the outer Continental Shelf and Massachusetts' rights in the three

mile territorial sea pursuant to the Submerged Lands Act. Since the Submerged Lands Act grants title to Massachusetts in the territorial seabed, the decree must be understood as equally confirming Massachusetts' proprietary rights in the territorial seabed and the United States' proprietary rights in the seabed of the Outer Continental Shelf. Second, the Court's subsequent decree, in 1996, states, in its first numbered paragraph, that:

For the purposes of the Court's Decree herein dated October 6, 1975, 423 U.S. 1 (*affirming the title of the United States to the seabed more than three geographic miles seaward of the coastline, and of the States to the seabed within the three geographic mile zone*), the coastline of the Commonwealth of Massachusetts shall be determined . . . .

*United States v. Maine (Massachusetts Boundary Case)*, 516 U.S. 365 (1996)

(emphasis added).

In sum, contrary to its disclaimer in this action, the United States specifically claimed ownership to the seabed and minerals on the Outer Continental Shelf, and indeed obtained a decree confirming its title, in its litigation with Massachusetts.

### B. *The 1996 Supplemental Decree*

The 1975 decree stipulated that “the term ‘coastline’ means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters.” Decree ¶ 1, 423 U.S. 1. It did not determine the location of the coastline thus defined, but instead reserved jurisdiction to determine that question in supplemental proceedings, as necessary. Decree ¶ 3. In 1977, Massachusetts and the United States filed a joint motion for supplemental proceedings to determine the location of the Massachusetts coastline in Massachusetts Bay, Nantucket Sound, Vineyard Sound, and Buzzards Bay. The Court appointed District Judge Walter E. Hoffman as Special Master. In 1981, the Court entered a supplemental decree by consent settling the location of the coastline in Massachusetts Bay and Buzzards Bay and recognizing various closing lines enclosing certain bays, including the whole of Buzzards Bay, as internal waters. *United States v. Maine*, 452 U.S. 429 (1981).

With regard to Vineyard Sound and Nantucket Sound, the Special Master held hearings throughout 1982 and 1983, heard argument in June, 1984, and reported his Findings, Conclusion, and Recommendations to the Court. The Court confirmed the Special Master’s report in 1986, holding that Massachusetts had established its claim that Vineyard Sound is internal waters bounded by closing lines from Cuttyhunk to Gay Head and from East Chop on Martha’s Vineyard to a

point on Great Neck, Cape Cod. The Court also confirmed the Special Master's report that Nantucket Sound is a combination of internal waters, territorial sea, and high seas, and is not entirely enclosed as internal waters of Massachusetts. The supplemental decree implementing this judgment was entered by the Court on February 26, 1996. 516 U.S. 365 (1996). The decree stated in part as follows:

IT IS ORDERED, ADJUDGED, AND DECREED as follows:

For the purposes of the Court's Decree herein dated October 6, 1975, 423 U.S. 1 (affirming the title of the United States to the seabed more than three geographic miles seaward of the coastline, and of the States to the seabed within the three geographic mile zone), the coastline of the Commonwealth of Massachusetts shall be determined on the basis that the whole of Vineyard Sound constitutes state inland waters and Nantucket Sound (with the exception of interior indentations which are described in paragraphs 2(c), (d) and (e) below) is made up of territorial seas and high seas.

Decree ¶ 1, 516 U.S. 365 (1996).

As a result of this decree, the central part of Nantucket Sound was specifically determined to be subject to the title of the United States to the seabed and minerals thereunder.

II. THE UNITED STATES' PROPRIETARY RIGHTS IN NANTUCKET SOUND ARE ALSO IMPLIED BY ITS CLAIM TO A TWELVE MILE TERRITORIAL SEA.

Even apart from the United States' litigation against Massachusetts, the *Submerged Lands Cases* effectively settled the United States' proprietary rights in seabed areas such as those in Nantucket Sound. For, whether or not the United States has proprietary rights to the seabed and resources in the Outer Continental Shelf,<sup>8</sup> it undeniably asserts such rights in the territorial sea, as the cases and the Submerged Lands Act prove. Since, in 1988, the territorial sea was extended to a distance of twelve nautical miles, Nantucket Sound is located entirely within the territorial sea of the United States, and is therefore subject to the regime that applies within the territorial sea, as determined in the *Submerged Lands Cases*, as well as international treaties and conventions.

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<sup>8</sup>See *United States v. Ray*, 294 F. Supp. 532, 540-42 (S.D. Fla. 1969) (since United States does not claim title to Outer Continental Shelf, it may not maintain trespass action against defendants occupying a coral reef outside the territorial sea; defendants' proprietary claims fail under OCSLA and the Convention on the Continental Shelf (1958), 499 UNTS 311, under which the United States has exclusive right to explore and exploit the seabed). Insofar as Cape Wind or the United States may intend to argue that the Corps has power to authorize occupation of the seabed beyond the territorial sea because the United States does not claim title to the seabed, it is submitted that the United States' interest in the seabed is of such a character that full or partial disposition of that interest should be held to require congressional authorization pursuant to Article IV, § 3 of the Constitution.

A. *The Submerged Lands Cases Settled the United States' Title to the Seabed and Resources in the Territorial Sea.*

The United States first asserted its title in submerged lands beyond the coastline in the *Submerged Land Cases: United States v. California*, 332 U.S. 19 (1947); *United States v. Louisiana*, 339 U.S. 699 (1950); and *United States v. Texas*, 339 U.S. 707 (1950). At that time, the United States was claiming a territorial sea of only three miles. The complaint in *United States v. California*, alleged:

that the United States “is the owner in fee simple of, or possessed of paramount rights in and powers over, the lands, minerals and other things of value underlying the Pacific Ocean, lying seaward of the ordinary low water mark on the coast of California and outside of the inland waters of the State, extending seaward three nautical miles . . . .”

332 U.S. at 22. The Court sustained that claim, denying California’s proprietary claim to the seabed and holding that the United States acquired “dominion” over the three mile territorial sea as a nation after its formation through assertion, acquiescence by other nations, and, eventually, treaty. Although Justice Frankfurter, dissenting, argued that the Court had not determined that the United States is the “owner” of the seabed, as distinguished from political sovereignty, the Court’s subsequent decisions ever more clearly established that the Court did in fact intend to hold that the United States’ interest in the seabed involved both *imperium* (*i.e.*, jurisdiction and political sovereignty) and *dominium* (*i.e.*, ownership or title).

*See United States v. Texas*, 339 U.S. at 719 (“although *dominium* and *imperium* are normally separable and separate, this is an instance where property interests are so subordinated to the rights of sovereignty as to follow sovereignty. . . . Property rights must then be so subordinated to political rights as in substance to coalesce and unite in the national sovereign.”). *See also* M.W. Reed, 3 SHORE & SEA BOUNDARIES 4-13 (2000) (discussing United States’ position in *Submerged Lands Cases* and confusion that arose when Court omitted to decree that United States had “paramount rights of proprietorship” as prayed by the United States).<sup>9</sup>

Any possible doubt as to the purport of the *Submerged Lands Cases* was erased by the Submerged Lands Act, which essentially served as a quitclaim deed to the coastal States of all right and title to submerged lands and resources in the territorial sea. Manifestly, that Act implies that the United States claimed and had full proprietary rights and title in the seabed before it passed them to the States.

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<sup>9</sup>Mr. Reed was co-counsel for the United States in the Massachusetts Coastal Boundary Case. Certainly he has no doubt as to the United States’ assertion of ownership of the seabed and subsoil of the Continental Shelf. *See* 3 SHORE & SEA BOUNDARIES 5-6, 9-10 (United States prayed for decree that it has fee simple title to territorial sea in *United States v. California*; Court’s decree establishes proprietary rights in seabed and subsoil but avoids finding fee title due to air and sea navigational rights of international community).

B. *The United States Has Extended the Territorial Sea to Twelve Miles from the Coastline, Including the Entirety of Nantucket Sound.*

In 1982, a U.N. Treaty recognized that countries could claim sovereignty out for twelve miles from their coasts, not merely three. *See*, United Nations Convention on the Law of the Sea (1982). Under this agreement, “[t]he sovereignty of a coastal State extends beyond its land territory and internal waters . . . to an adjacent belt of sea, described as the territorial sea,” which the State may extend up to 12 nautical miles. Within the area of the territorial sea, “sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.” Convention on the Law of the Sea, Article 2. Under the Convention the same legal regime applies throughout the territorial sea.

In 1988, President Ronald Reagan extended the territorial sea to twelve nautical miles from the baseline (*i.e.*, the coastline) “in accordance with international law.” Presidential Proclamation No. 5928, December 27, 1988, 54 Fed. Reg. 777 (1988). While the proclamation specifies that it does not “extend[ ] or otherwise alter[ ] existing Federal or State law or any jurisdiction, rights, legal interests, or obligations derived therefrom,” the proclamation plainly intended to claim on behalf of the United States the rights and powers recognized by international law within the zone of the territorial sea, and the rights and powers confirmed to the United States by the Supreme Court in the *Submerged Lands*



*Cases*, prior to the enactment of the Submerged Lands Act.<sup>10</sup> In extending the territorial sea out to twelve miles, the United States plainly asserted both *dominium* (in the seabed) and *imperium* to that limit, and therefore throughout Nantucket Sound.

III. THE UNITED STATES, AND THE ARMY CORPS IN PARTICULAR,  
HAVE A DUTY TO PREVENT PLACEMENT OF STRUCTURES IN  
NANTUCKET SOUND WHICH ARE NOT AUTHORIZED BY STATUTE.  
A. *The Constitution Vests Power to Dispose of Public Lands  
in the Congress.*

As shown above, the United States' assertion of sovereignty in the territorial sea, first as a three-mile belt, then as a twelve-mile belt, established both political sovereignty and proprietorship to the seabed and subsoil within that area. Because the seabed and subsurface are thus "property belonging to the United States," the power to dispose of the seabed or subsoil in the central portion of Nantucket Sound in particular rests with Congress. U.S. Const. Art. IV, § 3, cl. 2.<sup>11</sup> *See, e.g., Morris*

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<sup>10</sup>What the Proclamation did not do is change the breadth of *State* territorial waters under the Submerged Lands Act, or the applicability of the Outer Continental Shelf Lands Act to the seabed beyond the three mile territorial sea.

<sup>11</sup> Article IV, section 3 of the Constitution provides that

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

*v. United States*, 174 U.S. 196, 242-43 (1899) (Interests in public lands may not be transferred to private parties without congressional authorization); *Shively v. Bowlby*, 152 U.S. 1, 47-50 (1894) (despite doubts expressed in a number of cases, Congress may grant title to submerged lands held by the United States in appropriate cases).

In the Court below, Cape Wind asserted that submerged lands held by the United States are not “public lands,” thereby implying that they may be occupied without statutory authorization. Cape Wind Opposition at 12-14 & n.16, *citing Mann v. Tacoma Land Co.*, 153 U.S. 273, 284 (1894). *Mann*’s point, though, was that a statute authorizing the United States to dispose of “public lands” could not be construed to apply to tidelands, given their unique public trust status. *See also, e.g., Idaho v. Coeur d’Alene Tribe of Idaho*, 521 U.S. 261, 283-84 (1997) (referring to longstanding principle that dispositions of submerged lands “are not lightly to be inferred, and should not be regarded as intended unless the intention was definitely declared or otherwise made very plain”). Therefore, a deed purporting to convey tidelands pursuant to a statute authorizing disposition of “public lands” was ineffective as being without authority. That conclusion refutes any suggestion that submerged lands are not “property belonging to the United States” for purposes of Article IV, § 3. In fact, the rule is the opposite of that suggested by Cape Wind:

authority to dispose of submerged lands must be specifically and clearly granted by statute, and cannot be implied.

B. *Congress Has Not Delegated General Authority to Dispose of Public Submerged Lands to the Army Corps.*

Although the Army Corps stated in its brief below that the permit for the test tower “did not grant Cape Wind anything other than Section 10 authorization for the Data Tower project, and it is not . . . some sort of blanket federal authorization for construction of the Data Tower,” Reply Mem. at 10 (emphasis in original), it also suggested that a Section 10 permit may in fact be all that is required to authorize construction. Reply Mem. at 11 n.12.

The Corps’ first point is correct; there is no basis for this latter suggestion.<sup>12</sup> There is nothing in § 10 of the RHA authorizing the Corps to dispose of public property, or establishing criteria, compensation, and the like for projects on public lands. While § 10 may appear to give the Corps “unlimited discretion to grant or deny a permit for construction of a structure” in navigable waters, *United States v. Alaska*, 503 U.S. at 576, the grant of a permit only means that the United States exempts the particular project from § 10’s blanket prohibition of structures in navigable waters. Precisely the same permit must be obtained whether the project is

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<sup>12</sup>See footnote 6, *supra*. Once again, the glaring conflict between these contentions suggests that the Corps is still in search of its position on this question, and so should not be given deference.

in State waters or beyond them on the Continental Shelf, and whether authorization to occupy the seabed is obtained from the State (*see* G.L. c. 91, G.L. c. 132A, §§ 12A-16E) or the Federal Government (*e.g.*, pursuant to the Outer Continental Shelf Lands Act [OCSLA], 43 U.S.C. § 1331 *et seq.*).

Under the traditional view, submerged lands have “a unique status in the law and [are] infused with a public trust the State itself is bound to respect.” *Idaho v. Coeur d’Alene Tribe of Idaho*, 521 U.S. at 283. While Congress could and did dispose of dry land for various public purposes,<sup>13</sup> it was long thought beyond Congress’ power to transfer tidelands within federal territory to private interests for any purpose. In *Idaho v. Coeur d’Alene Tribe of Idaho*, the Court said:

Not surprisingly, American law adopted as its own much of the English law respecting navigable waters, including the principle that submerged lands are held for a public purpose. A prominent example is *Illinois Central R. Co. v. Illinois*, 146 U.S. 387 (1892), where the Court held that the Illinois Legislature did not have the authority to vest the State’s right and title to a portion of the navigable waters of Lake Michigan in a private party . . . . While *Illinois Central* was “necessarily a statement of Illinois law,” [citation omitted] it invoked the principle in American law recognizing the weighty public interests in submerged lands.

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<sup>13</sup>*See generally* Currie, *The Constitution in Congress: The Public Lands, 1829-1861*, 70 U.Chi.L.Rev. 783 (2003) (reviewing development and uses of congressional power to dispose of public lands).

521 U.S. at 284-85. *See also, e.g., Shively v. Bowlby*, 152 U.S. at 48-50, 57-58 (observing that, while Congress may grant title or rights to federal submerged lands for appropriate purposes, it had never done so); *Mann v. Tacoma Land Co.*, 153 U.S. 273, 283-84 (1894) (general legislation in respect to public lands does not extend to tide lands); *Barney v. Keokuk*, 94 U.S. 324, 338 (1876) (“the United States has wisely abstained from extending (if it could extend) its survey and grants beyond the limits of high water”). At the least, “disposals by the United States [of submerged lands] are not lightly to be inferred and should not be regarded as intended unless the intention was definitely declared or otherwise made very plain.” *Idaho v. Coeur d’Alene Tribe*, 521 U.S. at 283-84. While the OCSLA and other laws now authorize the grant of rights for certain purposes, the Army Corps’ claim of an implied general authority to dispose of public submerged lands should be measured against the historical understanding as to the unique status of these lands; and so measured it cannot be sustained.

Moreover, where Congress has authorized the disposition of public lands, it has done so explicitly, and it has usually established an elaborate process for ensuring fairness, protection of the public interest, and fair compensation. The Federal Land Policy Management Act (FLPMA), 43 U.S.C. §§ 1701 *et seq.*, for example, establishes a comprehensive program for inventorying public lands, assessing their noneconomic significance, preserving areas of critical environmental

concern, developing land use plans, and granting temporary rights to use public land areas “under principles of multiple use and sustained yield.” With regard to submerged lands on the Outer Continental Shelf (the area beyond State territorial waters), Congress has established a separate regime under the OCSLA, the Ocean Thermal Energy Conversion Act, 42 U.S.C. §§ 9101-9168, and the Deepwater Port Act, 33 U.S.C. §§ 1501-1524. Although not as elaborate as the FLPMA, these acts all identify the various public interests involved in particular uses, and establish programs to ensure a careful balancing and protection of these interests in connection with the development of mineral resources, the construction of thermal energy facilities, and the construction and operation of deepwater ports.

The very existence of these acts refutes the Army Corps’ suggestion that it has an implied general power to authorize occupation of the seabed in conjunction with its express authority to permit navigational obstructions. Moreover, since the Army Corps’ claim is founded upon § 10 of the RHA, *as extended to the Outer Continental Shelf by OCSLA*, it is important to note that where OCSLA specifically authorizes private occupation of the seabed, it appoints the Secretary of Interior, or the Secretary of Energy and FERC – not the Corps – to fix the terms of the disposition and supervise the activity. The Army Corps’ authority, so far as it is founded upon OCSLA, is provided in § 1333(e), “Authority of Secretary of the Army to prevent obstruction to navigation,” which states only that:

The authority of the Secretary of the Army to prevent obstruction to navigation in the navigable waters of the United States is extended to the artificial islands, installations, and other devices referred to in subsection (a) of this section.

Not even the great deference due to the Army Corps in the interpretation of its statutes and regulations can grow this provision into a general purpose authority to dispose of public submerged lands for projects not otherwise authorized by Congress.

C. *Under the Public Trust Doctrine, the United States Is Obligated to Protect Public Lands from Unauthorized Private Appropriation.*

In *Pollard's Lessee v. Hagan*, 44 U.S. 212, 220-21 (1845), the Court stated that the United States held territorial lands as trustee for the public until the land was disposed of for the public good, or transferred to the newly formed States. *See also Idaho v. Coeur d'Alene Tribe*, 521 U.S. at 284-85; *Shively v. Bowlby*, 152 U.S. at 57-58; *District of Columbia v. Air Florida, Inc.*, 750 F.2d 1077, 1082 (D.C. Cir. 1984) (discussing doctrine but declining to decide whether under it State could recover damages for harm to public trust interests because issue was not timely raised). With regard to the vast areas of public land gained by discovery, purchase or treaty, Congress adopted the policy of conveying land to encourage settlement (*e.g.*, the homestead laws) and economic development (*e.g.*, grants to railways, for

transportation facilities on rivers, and for bridges). By these means the territories were settled and made States, and the value of remaining lands was increased, all in accordance with prevailing ideas as to the public good and the scope of Congress' authority under Article IV, section 3. *See* Currie, *supra*. Even during this expansionist period, the Court continued to emphasize that, with respect to public lands, the United States is "charged with the duty and clothed with the power to protect it from trespass and unlawful appropriation . . . ." *United States v. Beebe*, 127 U.S. 338 (1888). *See also* *Light v. United States*, 220 U.S. 523, 537 (1911) ("public lands . . . are held in trust for the people of the whole country"); *Utah Power & Light Co. v. United States*, 243 U.S. 389 (1917).

In *Commonwealth v. 1.58 Acres of Land*, 523 F. Supp. 120 (D. Mass. 1981), Massachusetts contested the right of the United States to obtain by eminent domain a fee simple absolute title to certain waterfront property in Boston, because the property included tidelands impressed with a perpetual public trust administered by the Commonwealth. The Court held, however, that the United States could take the property in fee, but nevertheless would hold it subject to the public trust (*jus publicum*). "Neither the federal government nor the state may convey land below the low water mark to private individuals free of the sovereign's *jus publicum*. . . . The trust is of such nature that it can be held only by the sovereign, and can only be destroyed by the destruction of the sovereign." *Id.* at 124. Moreover, "the federal



government is as restricted as the Commonwealth in its ability to abdicate to private individuals its sovereign *jus publicum* in the land.” *Id.* at 125. *Accord, e.g., City of Alameda v. Todd Shipyards Corp.*, 635 F. Supp. 1447, 1449 (N.D. Cal. 1986).

In light of these principles, the Army Corps’ apparent position that it need not concern itself with the fact that the projects now under its review propose to appropriate public lands without authorization, and its alternative position that a § 10 permit under the RHA may itself sufficiently authorize such appropriation, cannot stand. The Corps cannot abdicate the *jus publicum*. Indeed, it is “charged with the duty and clothed with the power to protect it from trespass and unlawful appropriation . . . .” *United States v. Beebe*, 127 U.S. 338 (1888). It has ample authority under § 10 of the RHA in particular to carry out that duty. *United States v. Alaska*, 503 U.S. at 576-80.

### **Conclusion.**

For the foregoing reasons, Massachusetts urges the Court to reject any implication in the decision of the District Court that the Corps cannot consider whether a proposed seabed structure is properly authorized by law. The Court should also reject any suggestion by the Corps either that it has no duty to consider and defend public trust rights in the Nantucket Sound seabed or that it has implied

authority under § 10 of the RHA to authorize occupation of the seabed by private parties.

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE WITH RULE 32(a)

1. This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because this brief contains 6607 words (less than one-half the length allowed the appellant's principal brief), excluding the parts of the brief exempted by Fed. R. App. P. 32(a)(7)(B)(iii).

2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using WordPerfect version 9 for Windows in 14 point Times New Roman font.

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Attorney for Commonwealth of  
Massachusetts, Amicus Curiae

Dated: March 10, 2004

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the Brief for the Commonwealth of Massachusetts, Amicus Curiae, by first class mail, postage prepaid, on counsel of record, as follows:

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## Adams, Karen K NAE

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**From:** Sally Wright [swright@ecs.umass.edu]  
**Sent:** Thursday, February 24, 2005 2:26 PM  
**To:** Energy, Wind NAE  
**Subject:** Cape Wind Project Draft EIS, File no. NAE-2004-338-1



Sally Wright on  
Cape Wind, Feb...

Dear Ms. Kirk Adams,

Please find attached my comments on the Cape Wind Project Draft EIS.

Best Regards,

Sally Wright, PE  
413-545-3914

004626

9 Bowles Street  
Greenfield, MA 01301  
February 14, 2005

Karen Kirk Adams, Cape Wind Energy EIS Project Manager  
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**Re: Cape Wind Project Draft Environmental Impact Statement**  
**File no. NAE-2004-338-1**

Dear Ms. Kirk Adams,

My name is Sally Wright and I live in Greenfield, Massachusetts. I urge you to approve the Draft Environmental Impact Statement for the Cape Wind Project.

I am an engineer on staff at the Renewable Energy Research Laboratory at the University of Massachusetts at Amherst. However, I am submitting these comments as a private citizen, on behalf of my family and myself. I am not directly involved with the Cape Wind Project and do not stand to gain financially from it.

I have dedicated my engineering career to making clean power for the same reason that I write now: I believe passionately that clean energy is vital to our future on the planet. Our current energy practices are neither acceptable nor sustainable, and while all forms of energy have environmental consequences, wind power is our best option today.

Here, in brief, is my line of reasoning for why Cape Wind should move forward:

**The energy status quo is unacceptable and unsustainable.** No one questions that our energy mix will change. It *must* change because of its environmental toll -- the electricity industry is one of the largest causes of environmental damage in the country. Furthermore, our energy mix will eventually have to change because it is based on unsustainable, depletable resources.

Change must and will happen. We have an opportunity here to be proactive and adapt with forethought.

**All forms of energy have environmental consequences**, though some are considerably worse than others. The list of electric generation's tolls is long -- CO<sub>2</sub>, CO, SO<sub>2</sub>, NO<sub>x</sub>, mountaintop removal, acid mine drainage, lack of adequate long-term storage for radioactive waste, oil spills, global climate disruption, acid rain, asthma, mercury in fish, premature death in the neighborhood of coal plants, melting ice caps, rising sea levels ... I could go on but these health and environmental impacts have been enumerated many times elsewhere.

To object to wind power because it has impacts is an environmentally myopic position. All forms of energy have impacts. The rational approach is to recognize the need to minimize the consequences of our energy use, and to turn to the energy forms with the lowest *net* impacts.

**Wind power is one of the lowest-impact forms of energy available to us today.** The immense problems caused by our energy use will require a many-pronged attack, and wind power will certainly be a big part of the solution.

Our best option is wind power, which fortunately is plentiful here in the Northeast. While we do not have the wide-open space used in other parts of the country for large land-based wind projects, New England's offshore wind resource is substantial. Offshore wind technology has been successfully implemented in Europe for over a decade, proving its practicality.

Cape Wind offers an important opportunity for significant supply of clean energy right here in New England.

**"Not in my backyard" is not an acceptable answer.** Of course it is incumbent on all of us to be concerned with potential abuse of the earth around us, but NIMBY-ism encompasses only a narrow view, and the environment cannot be understood narrowly. Ecology has taught us that the environment is not local, but global. We must balance the local impacts with the larger view of the region and the world. In the larger view, we know we need renewable energy, and we need to choose the most appropriate sites from the available options. Nantucket Sound is one of those sites.

Furthermore, environmental justice demands that we consider the effects of our electricity generation not only on those with wealth and power, but also poor and minority communities, on whom the environmental impacts of electricity production weigh most heavily.

**Cape Wind is an environmental imperative.** Cape Wind offers us a great opportunity to address our energy needs with a minimized environmental impact.

I look forward to the day when residents and non-residents of Cape Cod can look out on Nantucket Sound with pride and awe at the magnificent view of wind turbines, a powerful, positive statement of environmental stewardship and leadership.

I urge the Army Corps of Engineers to act in the spirit of stewardship and leadership, and approve the Cape Wind DEIR/DEIS. We need offshore wind power. We need it in Massachusetts. We need it for our world and our children. We need Cape Wind now.

Sincerely,

A handwritten signature in black ink, appearing to read "Sally Wright". The signature is fluid and cursive, with the first name "Sally" being more prominent than the last name "Wright".

Sally Wright, PE

**Adams, Karen K NAE**

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**From:** Frank Gorke [frank@masspirg.org]  
**Sent:** Thursday, February 24, 2005 1:33 PM  
**To:** Energy, Wind NAE; mepa@state.ma.us; pdascombe@capecodcommission.org  
**Subject:** Cape Wind: US ARMY CORPS OF ENGINEERS REFERENCE FILE NAE-2004-338-1

Ms. Adams, Secretary Roy Herzfelder, Mr. Dascombe,

Please find attached comments of the Massachusetts Public Interest Research Group to aide in your review of the Cape Wind project.

Respectfully,

Frank

Frank Gorke  
Energy Advocate  
MASSPIRG  
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004027





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Cape Wind Energy Project  
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Secretary Ellen Roy Herzfelder  
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February 24, 2005

**Re: US ARMY CORPS OF ENGINEERS REFERENCE FILE NAE-2004-338-1**

Dear Ms. Adams, Secretary Roy Herzfelder, and Members of the Cape Cod Commission,

I am writing to provide the following comments to aid your review of the Cape Wind power project proposed for Nantucket Sound.

I. Introduction

I appreciate the opportunity to submit these comments. Members and staff of the Massachusetts Public Interest Research Group (MASSPIRG) have commented at various times on the Cape Wind proposal during prior stages of the review process. These comments represent our updated and formal position on the project and the review process.

MASSPIRG is a member-supported non-partisan not-for-profit environmental and consumer advocacy organization with approximately 45,000 citizen members throughout the Commonwealth of Massachusetts, permanent offices in Boston, Amherst and on 23 college and university campuses, and seasonal offices in Somerville and Hyannis. We work on a range of energy issues, including clean air, electricity markets, energy efficiency and renewable power.

## II. Summary

Given all that we know about the dire need to shift to cleaner energy sources in order to adequately protect public health, consumers, and the environment, the default position on this project should be to allow it to move forward. The Cape Wind project should be built, as long as important concerns about the potential negative impacts of the project on wildlife are addressed. Rigorous monitoring and adaptive management plans should be included in the Final Environmental Impact Statement and, if necessary, mitigation plans should be required as a condition for approving the project.

## III. Comments

MASSPIRG has long supported renewable energy and wind power. We were active in the effort to establish the Commonwealth's Renewable Portfolio Standard (RPS), and are strong supporters of the federal wind power production tax credit, both of which have helped to enable proposals such as Cape Wind. We are active in working for policies that achieve reductions in global warming, mercury, smog and soot pollution from the electricity sector. And we serve our members by advocating for policies that will protect small electricity customers from risk and volatility in electricity markets.

We also work in multiple forums to preserve natural areas and species habitat, and to protect endangered species. In light of concerns that have been raised about the potential for the project to negatively impact marine and avian wildlife in Nantucket Sound and the surrounding area, we urge you to proceed cautiously in preparing the Final Environmental Impact Statement, and to work with scientific experts in the relevant fields to ensure that these concerns are adequately addressed.

Given all that we know about the dire need to shift to cleaner energy sources in order to adequately protect public health, consumers, and the environment, the default position on this project should be to allow it to move forward. The Cape Wind project should be built, as long as important concerns about the potential negative impacts of the project on wildlife are addressed. Rigorous monitoring and adaptive management plans should be included in the Final Environmental Impact Statement and, if necessary, mitigation plans should be required as a condition for approving the project.

It is critical in reviewing this project proposal to keep the broad context in mind. We face a global environmental crisis because of our dependence on polluting fossil fuels; global warming is going to have severe impacts on public health, the economy, and the

environment on Cape Cod and throughout the region. We have long dealt with devastating local impacts from coal and oil burning power plants, as our children miss school because of asthma attacks and have trouble in school because of learning disabilities linked to mercury pollution. We face the threat of a lethal accident or attack at the Pilgrim nuclear power plant in Plymouth that could render huge swaths of the region uninhabitable for generations. And we face terrible military and geo-political consequences as a result of our dependence on foreign oil.

In this light, it is absurd to hold a clean energy project hostage to an impossible zero-impact standard. Moreover, the choice we face is not between building a wind farm and not building a wind farm. The choice is between this particular wind farm, and a new energy facility being built on or near Cape Cod, or the Brayton Point or Canal plants running more. In other words there is no such thing as a “no action alternative.” There are clear, known risks from doing “nothing.” And because of this project, they are *avoidable* risks.

So where your review considers the specific impacts of the Cape Wind project, it should weigh them against the specific impacts of not building the Cape Wind project. For example, the number of bird deaths caused by turbine collisions should be compared to the number of bird deaths caused by the relevant amount of oil and gas drilling, coal mining, uranium enrichment, fuel combustion and disposal, and related oil shipping and other accidents.

But where it is impossible or infeasible to gather all the information that would provide certainty with regard to impacts of the proposed project, we have to face the question: how large an uncertain negative impact can we tolerate, when weighing it against known benefits?

In answering this question, one might conclude that prior policy and practice in permitting energy facilities should provide some guidance. In our view there has been an unfortunate lack of rigor in reviewing proposals to build coal, oil, natural gas and nuclear energy facilities. Indeed, most of the coal plants that provide a significant share of the nation's energy were built well before scientists told us that the pollution from those coal plants triggers hundreds of thousands of asthma attacks and shortens the lives of tens of thousands of citizens across the country each year. Every one of the nation's nuclear plants was built despite a glaring lack of certainty regarding storage plans for the lethal radioactive waste generated by those facilities—and after five decades of studying the problem, we are still unsure what to do with it. And many of the natural gas plants built in the Northeast region since the mid-1990s were built despite the fact that we were far more certain about the benefits of energy conservation than about the benefits of new power plants. (And, it is worth noting, many of these gas plants were built despite strong local opposition.) The record clearly shows that policy-makers at multiple levels are willing to tolerate significant uncertainty about the impacts of energy facilities (and unfortunately all too often they are willing to tolerate even severe known negative environmental impacts).

While we need to guard against setting the bar for wind power impossibly high, this unfortunate lack of rigor obviously should not inform the review process for the Cape Wind proposal.

You should pursue all reasonably available data to inform your decision regarding Cape Wind. Important concerns have been raised by experts on various matters, especially the impact of the proposal on roseate terns and other birds, that must be adequately addressed in the Final Environmental Impact Statement. We do not, however, believe that a Supplemental Environmental Impact Statement is necessary to permit construction of the project. Where there are concerns about specific impacts, you should address them in the Final EIS through consultation with a science advisory board, aggressive monitoring, adaptive management, and mitigation requirements if necessary. Where the academic and policy-making communities have not yet developed practices that will achieve this goal, we now must work together to craft the tools that will enable us to safely build and operate offshore wind power projects.

I also hope you thoroughly treat in the Final EIS the important consumer benefits of wind power and specifically this project. Right now, we are over-dependent on a narrow range of fuel sources. A huge portion of every energy dollar spent by a Massachusetts resident is sent out of the region and out of the country. We are captive to high and volatile costs of natural gas and oil, which causes instability and rising utility bills for Massachusetts residents and businesses. Introducing renewable power like the Cape Wind project will boost our local economy and provide direct consumer benefits by under-bidding the most expensive existing fossil fuel plants, applying downward pressure on fossil fuel prices, and keeping energy dollars in the region.

#### IV. Conclusion

Thank you for your careful attention to this matter and our comments. I look forward to continuing to work with you during the remaining stages of the review process.

Respectfully,

Frank Gorke  
Energy Advocate  
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[frank@masspirg.org](mailto:frank@masspirg.org)



**THE COMMONWEALTH OF MASSACHUSETTS**  
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February 24, 2005

Ms. Karen Adams  
Cape Wind Project Manager  
U.S. Army Corps of Engineers, Regulatory Division  
696 Virginia Road  
Concord, MA 01742

Re: Cape Wind Energy Project DEIS/R

Dear Ms. Adams:

The Massachusetts Office of Coastal Zone Management (CZM) has reviewed the above-referenced Cape Wind Energy Project Draft Environmental Impact Statement/Report (DEIS/R), and recommends that additional information regarding issues discussed below be provided in subsequent NEPA/MEPA documents.

### **Background**

As described in the DEIS/R, the proposed project involves the development of 130 Wind Turbine Generators (WTGs) on a grid over approximately 26 square miles of sub-tidal area in Nantucket Sound known as Horseshoe Shoals. The project has a maximum deliverable capacity of 454 megawatts (MW) of electricity. As currently proposed, the hub of each WTG will be 246 feet above Mean Lower Low Water (MLLW), with a total height up to 417 feet above MLLW when rotor systems reach maximum height.

The project also entails the placement of submarine cables for interconnection of the WTGs; an elevated electric service platform; and placement of two 115 KV submarine and underground cables providing the interconnection of the WTG array to existing NSTAR transmission lines on Cape Cod. The underground cables and portions of the submarine cables are located within Massachusetts or in the waters of the Commonwealth. As depicted in the DEIS/R, the WTG array itself is located in federal waters. However, recent surveys by the Massachusetts Highway Department and the Minerals Management Service have documented a geological feature that qualifies as a baseline point from which to extend the Commonwealth's marine boundary into federal waters. As a result of this forthcoming boundary change, an estimated ten to twelve of the proposed turbines will be located in Commonwealth waters.

### **Comments**

The DEIS/R reviewed the potential impacts to coastal resources by the preferred alternative, and to a lesser extent, the other potentially feasible sites included in the alternatives analysis. CZM's review has focused on potential effects to the coastal resources and uses described in CZM's enforceable policies and applicable supporting authorities. These resources



and uses include habitat, coastal geological processes, water quality, fisheries, and the visual environment.

As summarized in Table 5.3-3, the project will have direct impacts on approximately 1381 acres of sea floor in Nantucket Sound, of which approximately 1265 acres will occur in federal waters. This includes approximately 3.2 acres of permanent impact from pilings and associated scour mats. The majority of the direct impacts to the sea floor will result from the installation of the transmission cable and the inter-array cables. Indirect impacts will be experienced throughout the Sound, given the location of the project within a partially enclosed waterbody and the Sound-wide interrelationship of physical and biological processes and human uses. For sediment transport, habitat, and fisheries, in particular, the DEIS/R does not sufficiently characterize these resources and/or processes in the Sound to allow us to: 1) assess the potential effect of direct impacts; 2) reasonably identify the nature and extent of indirect impacts among interrelated resources and uses; or 3) determine the significance of direct and indirect effects on resources and uses of the coastal zone. CZM recognizes that an ecological characterization of Nantucket Sound could be taken well beyond the level of effort necessary to make determinations of the relative significance of impacts under NEPA, MEPA, and federal consistency. We also recognize that the results of such study could leave many questions unanswered. Accordingly, we have purposefully focused our comments and requests for additional information on those aspects of the project where the requested information will be directly applicable to our assessment of direct and indirect project impacts to the resources and uses of the coastal zone.

#### Habitat Mapping

The DEIS/R characterizes the benthic habitat within the project area as being similar to the sandy bottom habitat that is prevalent throughout Nantucket Sound in general. The absence of detailed habitat information makes it difficult to evaluate impacts to distinct habitat types. CZM recommends that more detailed benthic habitat mapping identify eelgrass beds, shellfish habitat, sand waves, and other habitat types in the project area, including the path of the transmission cables and the location of monopiles and associated structures. These habitats, by virtue of their relative scarcity in Nantucket Sound, are particularly important. This mapping information will allow CZM and other resource agencies to better evaluate the project's impacts and make specific recommendations for avoiding important habitat areas.

#### Habitat Impacts

In addition to directly displacing ambient seafloor habitat, the addition of 130 monopiles and associated scour mats will introduce new artificial habitat types to Nantucket Sound. These new artificial habitats are likely to attract a variety of marine organisms currently not found on shoals. While the DEIS/R acknowledges that the monopiles will create a vertical hard surface habitat that does not currently exist, the potentially significant changes in the distribution and abundance of marine species in Nantucket Sound are not described. CZM acknowledges that it

may not be possible to comprehensively document this effect by any other means than post-construction monitoring; however, we recommend that a more substantial review and discussion based on the current literature of the possible changes resulting from this habitat change be included in subsequent documents to assess possible impacts and determine whether they can be avoided or mitigated.

The monopile and scour protection structures may also concentrate marine organisms from other parts of Nantucket Sound to the vicinity of the wind farm array. This could result in the aggregation of colonizing and transient organisms, such as macroalgae, fouling organisms, shellfish (e.g., mussels), crabs and fishes. The potential attraction of invasive species to these structures could also have particularly significant consequences. CZM does not concur with the DEIS/R conclusion that increasing the distance between the monopiles would minimize this effect; rather, this is more likely to simply increase the area of change and spread the effect over a greater area of Nantucket Sound.

#### Commercial and Recreational Fishing Impacts

A practical result of these habitat changes may occur with respect to the distribution of commercial and recreational fishing. If typically fished species move to the vicinity of the wind farm, then the fishing activity will attempt to relocate as well. While the DEIS discounts any significant obstruction to fishing activity, the monopiles and scour mats may preclude certain types of fishing, such as weirs and mobile gear. In addition, if an exclusion zone around each WTG is determined to be necessary or is functionally imposed by the incompatibility of the structure and certain gear types, then fishermen will have limited access to these fishing grounds. To better understand the potential effect of the project on fishing interests, CZM recommends that the proponent more fully characterize the current level of fishing (including finfish, squid, and shellfish) in the area using the methods described below, describe potential impacts, and propose actions to minimize or mitigate unavoidable impacts.

The potential impact to shellfish resources has not been adequately described. The abundance and distribution of shellfish species throughout the project area is not documented in the DEIS/R. Instead, the DEIS/R describes commercial and recreational shellfisheries in federal and state waters based on broad-scale landings data and anecdotal information, which is not suited to the kind of analysis necessary to determine specific project impacts. A more thorough characterization of both the shellfish resource and the level of shellfishing effort is necessary to evaluate the project's impacts on this resource and use.

To determine whether the project will impact commercial and recreational fishing and shellfishing, it is necessary to understand the current level at which Horseshoe Shoals is used for these purposes. The DEIS/R does not adequately describe commercial fishing conducted in the area. CZM recommends that the applicant consult with the Division of Marine Fisheries, which may have data in this regard, and conduct surveys if necessary.

Appendix 5.4B of the DEIS/R includes an assessment of the use of the proposed project site for recreational fishing. This survey appeared to focus too narrowly on charter and party boat services to the exclusion of other non-commercial activity. To better characterize all recreational fishing activity in the vicinity of Horseshoe Shoals, CZM believes that a much broader survey should be performed. This should include contact with the state Division of Marine Fisheries, local Harbormasters, shellfish officers, tackle shops, and others, including those engaged in various types of recreational and commercial fishing. CZM recommends that the methodology developed for a conflicting use evaluation conducted on our behalf for the Buzzards Bay area (<http://www.mass.gov/czm/dredgereports/2002/dmmp-02-03.pdf>), be used as guidance for discussion with the appropriate agencies.

### Water Quality

The DEIS does not provide specific information regarding the potential impacts to water quality and marine resources of a discharge of some or all of the 40,000 gallons of dielectric fluid that will be contained in the transformers on the electric service platform. Similarly, the DEIS generally describes but does not provide several required pollution prevention/remediation plans, including an Oil Spill Response Plan, Spill Prevention Control and Countermeasure Plan, Stormwater Pollution Prevention Plan, and an Operations and Maintenance Plan. Detailed contingency plans should be prepared so that appropriate measures can be implemented to minimize impacts related to any accidental releases.

### Sediment Transport

Nantucket Sound is part of a large sand-sharing system. Sediment transport within the Sound is a regional, transjurisdictional process that affects all marine environments and coastal landforms within and adjoining the Sound. While it is not a closed system, as some sand enters the sound and some is lost to the open ocean, the majority of sand cycles throughout the Sound over time. As the DEIR/S states, the sand waves within Horseshoe Shoals are actively migrating. The area of Horseshoe Shoals can be seen on historic nautical charts, but the sand that comprised those shoals is not the same sand that is there today. Horseshoe Shoals is shallow, dynamic, and contains a significant volume of sand; an alteration to the project area may have a significant impact to the sediment transport system in Nantucket Sound. Tidal, and to a lesser extent wind-driven, currents move sand into and out of these areas daily; these processes are accelerated during storm events. Changes to this system may have widespread effects, potentially affecting benthic habitat and changing erosion and accretion patterns in the coastal zone.

CZM's review of projects that may affect sediment transport is guided by Coastal Hazard Policy #2, which requires an analysis of a project's potential to alter wave or tidally generated sediment transport at the project site or on adjacent downcoast areas. The policy states that "[o]f particular concern are significant adverse changes in depositional patterns and natural storm damage prevention or buffering functions." CZM believes that more analysis concerning the effect of the project on sediment transport is necessary to evaluate potential impacts. The array



of monopiles and associated scour mats will stand as new features that will affect sediment transport. To assess the significance of this effect, CZM requests that an oceanographic modeling study be undertaken to develop a better understanding of sediment transport pathways for all of the options in the alternatives analysis, as well as for Nantucket Sound in general and any potential impacts of the proposed project to those sediment transport pathways.

To understand the potential impacts of the proposed project on the physical processes of the Sound, it is necessary to understand the physical processes which daily shape the littoral environment of the area within which the project is proposed. The DEIS/R provides an overly simplified model of sediment transport within the Sound that is based on inadequate data and focuses narrowly on the immediate project area. Wave data is hindcast from meteorological records, which, while often an appropriate and cost-effective means of characterizing wave climate, does not provide sufficient detail to assess the potential impacts of a project of this magnitude. Key factors that affect the overall sediment transport process, including tidal and wind-driven currents, sediment transport patterns, and the frequency and magnitude of storm events, are evaluated using data from studies and records developed for areas and purposes not directly related to a characterization of the environment in which the project is proposed. For example, the 1996 FEMA study used to determine that currents will move over Horseshoe Shoals at 1.8 ft/second during a 100-year return frequency was developed as a general, broad scale model applicable to the coastline of Nantucket Island, and can not be used exclusively to characterize conditions within the Sound or at alternative sites. Data such as those provided by the FEMA study are valuable as a general characterization of potential conditions, and as guidance for scoping detailed, site-specific analysis, but they do not provide an adequate basis for a detailed characterization of the affected environment or to determine potential project impacts.

Based on the information at hand, CZM recommends that the proponent develop detailed site-specific oceanographic models to evaluate different magnitude storms, as well as fair-weather, tidal and wind-driven conditions, for the Nantucket Sound and South of Tuckernuck sites (see Alternatives Analysis section below), and we provide the following technical guidance as the basis for discussion of an appropriately scaled effort.

An in-depth study of these processes would provide the required information to quantitatively assess sediment transport pathways, as well as near-field effects of the proposed wind tower structures and any scour protection proposed or permitted. In addition to a more complete spatial and temporal oceanographic data collection (e.g. wind, tides, sediment characteristics, etc.) and analysis effort, a thorough investigation into the coastal dynamics of the alternative sites should include a hydrodynamic and sediment transport modeling component. Regional hydrodynamics should be determined using a spatially- and time-varying model based on the governing equations of fluid flow. Similarly, the study of sediment transport patterns at alternative sites would require the use of a model that can adequately represent the regional variability of the area. Appropriate models should be calibrated with data to represent a full range of tidal conditions, and validation of the models also should be performed. The model

domain should represent the entire region to ensure that boundary conditions do not inappropriately influence the solution within the area of interest (i.e. the alternative sites). Once calibrated, model simulations should be performed to evaluate the influence of typical conditions as well as storms on both regional and local sediment transport patterns.

CZM does not believe that the proposed scour protection is appropriate. The plastic filaments attached to the mats are non-biodegradable and, even with maintenance plan in place to assure the integrity of each mat unit, will eventually dislodge and disperse within the marine environment. The proposed mats will contain a total of approximately 588 million four-foot long plastic filaments. A rate of loss of only 1% represents 5.8 million pieces of marine debris in Nantucket Sound. CZM recommends that the oceanographic modeling described above be used to evaluate the need for the scour control at the base of the monopiles. Since the monopiles are proposed to be driven to a depth of 80 feet, it is unclear that they will become unstable if the amount of erosion is only 6-8 feet. If modeling and/or engineering calculations determine that scour protection is necessary, CZM recommends the use of riprap or similar materials, recognizing that this will require the proponent to recalculate habitat impacts.

### Visual Impacts

The DEIS/R includes photo-renderings showing the visual impact of the proposed alternative and three other potentially feasible alternatives. These photo-renderings are useful insofar as they appear to provide some frame of reference for the assessment of these impacts. However, the DEIS/R does not provide a systematic methodology for more objectively assessing the impacts of the preferred alternative, or for comparing the other alternative sites or possible configurations in terms of visual impact.

For purposes of identifying and evaluating the visual impacts of the proposed wind farm, the DEIS/R (page 3-200) first characterizes the existing Nantucket Sound seascape in the vicinity of Horseshoe Shoal as “a large expanse of open water, rimmed by the low-lying landforms of Cape Cod and the Islands”, the basic character of which “is not fragmented, and is consistent with a natural unified nearshore southern New England seascape...[within which] activity is limited to recreational and fishing boats, ferries, navigational aids, and aircraft.” Further, an onshore “viewshed” for the proposed wind farm location is defined as the shoreline area oriented to experience open unobstructed views, the lateral extent of which encompasses the southerly shores of Cape Cod, the westerly shores of Martha’s Vineyard, and northerly shores of Nantucket in their entirety (Figure 3-38). In the landward direction the viewshed extends to approximately 300 feet, beyond which views are considered to be at least partially screened by mature vegetation, intervening structures, and topography.

The preferred site for the wind farm is centrally located within this overall viewshed, which is a popular recreational resource used for a variety of water-related activities. On shore, the DEIS/R (Table 3-26) identifies a total of 259 specific public recreation sites along the Nantucket Sound shoreline, located at distances ranging from a low of 4.8 miles (Point Gammon, Yarmouth) to a high of 17.6 miles (at Morris Island, Chatham) to the closest edge of the preferred wind farm site. Among other things,

these sites include numerous properties within National Register listed or eligible historic districts or containing individual structures that are listed or eligible for listing. The proposed turbine structures are expected to be visible to varying degrees at all of these public recreation sites, as well as from most of the extensive privately-owned shoreline abutting Nantucket Sound – all of which lies within a 27-mile radius of Horseshoe Shoals, the theoretical maximum range of visibility for a 420 foot structure located at sea, as seen from a point 10 feet above sea level (based on standard visibility charts, as estimated by the applicant and reported in the Energy Facility Siting Board Tentative Decision, page 185).

The DEIS/R acknowledges that, in adding a built element to the existing views of the natural seascape, the proposed wind farm will “cause changes in day time views” and that, at night under clear sky conditions, the FAA-required flashing aviation warning lights “will create a visual change to the existing relatively unbroken night time views, especially at remote locations with low levels of ambient light” (pages 5-203 and 3-202 respectively). Documentation of such changes is provided in the form of a series of “photo renderings” that simulate, using computer modeling techniques, both day and night views of the project from 12 representative “viewpoint locations” around Nantucket Sound, all on historic properties. Six of these vantage points are located on Cape Cod and three are located on each of Martha’s Vineyard and Nantucket Islands, at varying distances from the nearest edge of the preferred site (five viewpoints are 5.4-7.0 miles away, four are between 8.8 and 11.2 miles away, and three are between 13.6 and 14.1 miles away). The renderings were prepared using a generic seascape photograph as the background for the layout of the wind farm structures, and were constructed to incorporate a variety of lighting conditions to take into account the fact that the turbines will appear darker or lighter against the sky depending upon the position of the sun and shadows cast at different times of the day.

The DEIS/R asserts that the simulated photos represent “worst case” visibility for a variety of reasons (page 5-203). First, the selected viewpoint locations were the most open, unobstructed, publicly available view at each historic site, whereas other locations therein have more limited or screened views. Second, all photo renderings illustrate the project under clear sky conditions, whereas the project would be less visible during periods of fog and storms and under certain other atmospheric conditions. In this respect NOAA data over a 22-year period indicates that visibility can be expected to be less than .25 miles at some point during the day on a total of 98 days each year, and less than 2 nautical miles an average 8.5% of the year. Finally, the simulations do not take into account the blocking effect the curvature of the earth will have on the visibility of structures toward the base. Because the degree of this effect could not be accurately determined, each turbine was “set” on the horizon rather than in front of or behind it.

Notwithstanding such caveats, the collection of photo renderings provides a useful starting point for an assessment of visual impact. It demonstrates, for example, that virtually all of the turbine towers will be visible from shoreline vantage points up to 14 miles distant from the facing perimeter of the project site, with “the greatest Project visibility and visual contrast expected to occur at distances of less than 8 miles, within which all the WTGs will be visible within the field of view....[and] the grid pattern of the turbine layout will be also be visible...”(p.3-202). Beyond this distance, project structures are characterized as becoming more obscure with certain of the more slender components, such as rotor blades, difficult to see.

Turning to the nighttime views, the simulated photos indicate (page 3-200) that “the greatest visibility and visual contrast will occur at undeveloped or lightly developed sites with dark skies...[because] ambient light in more developed areas significantly reduces the visibility and contrast of the lights against the night sky.

With respect to judging the *significance* of the visual impacts identified in the respective simulations, the DEIS/R appears to rely primarily on the results of a limited Visual Impact Assessment (VIA) required by the federal National Historic Preservation Act, in which a professional architectural historian concluded that the project would have an adverse effect on two historic properties, four historic districts, and ten individual historic properties (page 5-204). There is no apparent attempt to employ a broader framework for evaluation, with the only additional discussion consisting of a brief statement on page 5-203 to the effect that the observation of greatest impact at 8 miles or less is “consistent with European studies that indicate a distance of 9.3 miles may be the maximum limit of visual significance along the coast and within a seascape (Hill et al., 2001).” This seems to imply that a simple distance cutoff can be employed in determining the extent to which the appearance of the ocean will be altered significantly as a result of the proposed wind farm.

CZM does not support such a simplified approach to visual impact evaluation, for two reasons. First, inspection of the single work cited from the professional literature reveals that the term “limit of visual significance” was neither utilized nor recommended for purposes of assessing structural intrusions upon a natural seascape. Rather, it was employed in the context of establishing the dimensions of a geographic unit for planning purposes, based on the concept of “shared intervisibility” between points on land and out at sea. The width of this zone was taken to be the distance to the horizon as seen from a landside elevation of approximately 20 feet (a vantage point akin to a low-lying bluff headland), and a standard graph showing horizon distance as a function of viewer elevation was used to compute the distance as 9.3 miles (15 km). In calling this the limit of visual significance, then, the authors were simply defining how much of the sea surface can be seen by the “naked eye” before the curvature of the earth serves to remove it from one’s field of vision.

Nor is the implication that distance alone is a sufficient indicator of impact significance supported by the claim in the DEIS/R that the greatest visual impact occurs within 8 miles of the wind farm perimeter. Although the proposed project is certainly most prominent in the photo simulations prepared for Viewpoints within this range (nos. 5,6,7,8,and 19), it cannot be concluded that both visibility and visual contrast diminish substantially at points beyond, because all but one of the renderings prepared for these “far-field” Viewpoints are either lacking strong back or front lighting from the sun, are partially screened by intervening landforms, or otherwise manifest less than ideal viewing conditions (such as overcast, haze, or “sky washout”). This is not in keeping with the worst case approach on which the simulation program as a whole was based, and suggests that a supplemental set of photo renderings are needed for the Viewpoints in question (nos. 20, 22-24, 26, and 1), to better illustrate the “far-field” appearance of the wind farm under conditions of greatest visibility and visual contrast. Further, CZM recommends that new simulations be prepared according to the same specifications for at least two additional Viewpoints, to represent sections of the Cape Cod shoreline lying between 14 and 18 miles from the outer perimeter of the project site (and therefore not

encompassed by the 12 simulations presented in the DEIS/R). Table 3-26 indicates that several public recreation sites in Harwich and Chatham are in the Horseshoe Shoals viewshed and within this distance range, and CZM recommends that the two sites with the most open, unobstructed views of the wind farm be selected for preparation of new photo renderings.

In conjunction with the results of this expanded visual simulation program, CZM recommends that quantitative information be presented that will help indicate the significance of the altered views presented therein. More specifically, we request the computation of values for two basic parameters:

- 1) the amount of ocean-facing shoreline (in miles, and as a percent of the total within Nantucket Sound) located within three categories of distance from the wind farm perimeter: 0-6 miles (a near-field distance), 6-12 miles (a mid-field distance), and 12-18 miles (a far-field distance, to the farthest reaches of the Sound but still well within the maximum theoretical limit of visibility of the turbine towers); and
- 2) the arc (in degrees, and as a percent of the full seascape view) that describes the horizontal extent to which wind farm structures will be noticeable against the water horizon, for all of the separate viewpoints and grouped again according to the three distance categories stated above.

CZM believes that such information is necessary to completely and effectively assess the visual effects of the proposed project on the uses and resources of the Massachusetts coastal zone.

#### Potential for Modified Project Footprint

The environmental and visual impacts described above are related in part to the large footprint of the WTG array. A more thorough alternatives analysis therefore should consider means by which these impacts can be minimized by reducing the area of the array.

The DEIS/R describes (page 3-29) “generally accepted planning guidelines” for the wind power industry. Those guidelines state that while approximately 20 acres of land are required to generate 1 MW of power, a smaller area is needed for an offshore facility because of the relative smoothness of an open water surface and the absence of topographical features. Specifically, the guidelines cite a 1.2:1 ratio for land and offshore project sites. Therefore, according to these guidelines, an offshore site would require approximately 16.7 acres to generate 1 MW of power; for a project generating 454 MW, the required area of open water should be approximately 7,582 acres, or slightly less than 12 square miles. The Peer Review Summary Report (Appendix 3-E) appears to offer greater detail on the application and validity of this guideline, and expresses the typical distance between WTGs as a function of the rotor diameter. The Peer Review notes the typical spacing as 5 to 10 rotor diameters in one place and 6 to 8 rotor diameters in another.

Based on this analysis, it appears that the footprint of the array may be considerably larger than necessary. This conclusion is supported by comparing the spacing between turbines at the Horns Rev facility off the coast of Denmark with that proposed for the Cape Wind project.

The Horns Rev facility<sup>1</sup> uses rotors with a diameter of 80 meters, and they are spaced 560 meters apart, equivalent to about 7 rotor diameters. The diameter of the rotors proposed to be used for the Cape Wind project is 104 meters, with a spacing WTGs of 629 meters by 1,000 meters, a range of approximately 6 to 10 rotor diameters. The DEIS/R did not evaluate alternatives that sought to lessen impacts by using a smaller array footprint. Indeed, all of the offshore sites considered in the DEIS/R (Table 3-5) that have a capacity greater than 200 MW are based on an available watersheet of 28 square miles, including those that have higher wind speeds, and presumably could generate the same amount of power with fewer turbines. CZM acknowledges that the applicant may have proposed a larger-than-necessary spacing between turbines in an attempt to reduce impacts, especially to navigation. However, based on data presented in the DEIS/R, CZM finds no basis for concluding that greater spacing between WTGs reduces environmental impacts, and may instead spread these impacts over a greater area of Nantucket Sound.

CZM recommends that the applicant review technically feasible layouts using a modified footprint. This additional analysis should include a 454 MW facility with a compressed footprint and a “split-facility” alternative with two or more arrays that total 454 MW within Nantucket Sound. The compressed footprint alternative should use spacing between turbines comparable to that in use at the Horns Rev facility or other industry standard. In contrast to the New Bedford/Horseshoe Shoals alternative presented in the DEIS/R, CZM recommends that an alternative involving two arrays that are essentially equivalent in footprint area be developed for comparison purposes. The purpose of this analysis is to compare the fisheries, visual, and environmental impacts of these alternatives to the large arrays proposed in the DEIS/R, without compromising the proposed power generation capability of the project.

### Alternatives Analysis

The analysis of alternative locations for coastal energy facilities plays a key role in achieving the stated objective of CZM’s Energy Policy #1, which is “to ensure that the development and maintenance of energy resources are completed...by the least environmentally damaging means practicable.” This key role is set forth in the core statement of the Policy itself, which provides as follows:

For coastally dependent energy facilities, assess siting in alternative coastal locations. For non-coastally dependent energy facilities, assess siting in areas outside the coastal zone. Weigh the environmental and safety impacts of locating proposed energy facilities at alternative sites.

The Policy goes on to reinforce the importance of comparative evaluation by stating that it “ensures that reasonable alternatives are considered and that sites are avoided which could lead to substantial harm to the most valued areas of the coastal zone.”

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<sup>1</sup> According to the web site for the Horns Rev facility, [www.hornsrev.dk](http://www.hornsrev.dk).



As further stated in Energy Policy #1, federal consistency review of energy projects is carried out in accordance with the applicable provisions of the state statutes and regulations listed at the end of the Policy.

Within this overall framework, a threshold question is that of coastal dependency. Energy Policy #1 states that coastally dependent energy facilities are facilities that “utilize the indigenous energy resources of the coastal zone,” and that “...wind generation may be determined to be coastally dependent based on the specific project proposal.” CZM has determined that the project as proposed qualifies as a coastally dependent project for the purposes of our review. However, Energy Policy #1 and its implementing authorities still provide that at least one alternative coastal site will be reviewed “in order to efficiently administer a CZM alternative site review. In determining whether one or more qualifying alternatives have been identified, CZM has reviewed the site screening analysis presented in the DEIS/R, which is generally responsive to the requirements of the Secretary’s ENF Certificate regarding the search for candidate sites. In conducting this review we have focused on the development/approval capability of the non-preferred site that appears to have greatest potential feasibility, and on the potential for reducing environmental and visual impacts relative to the preferred site at Horseshoe Shoals.

In the preliminary phase of the alternatives analysis, the DEIS/R reviewed a relatively long list of potential onshore and offshore locations with reference to five basic screening criteria, chosen to eliminate sites that clearly were not technically or economically feasible and to develop a shorter list of reasonable alternative sites. The screening criteria employed were: wind power classification of 4 or greater; sufficient surplus electric transmission capacity to transport 200 – 1500 MW to load centers throughout the ISO-NE transmission system; commercially available land or permissible use of offshore water-sheet area sufficient to accommodate a 200 – 1,500 MW wind energy project; engineering and design limitations; and absence of major legal or regulatory constraints. Application of these screening criteria resulted in the initial identification of 17 specific sites in New England -- eight involving upland locations and nine located offshore – all of which were judged to be generally reasonable based on their relative merits as a whole (rather than by applying a strict pass/fail test to each criterion independently).

Upon further review of the relative merits the field of land-based alternatives was reduced to one, with the others considered to be infeasible generally for reasons related to the large area needed for a utility-scale wind farm, low wind speeds, or lack of adequate transmission capability. On the water side, transmission constraints and excessive depths and/or wave heights were the principal disadvantages resulting in the elimination of potential sites. In the end the field was narrowed to four primary alternatives for closer scrutiny: a shallow water alternative in Nantucket Sound (which included the Applicant’s preferred site at Horseshoe Shoals along with two nearby “sub-sites” at Tuckernuck Shoals and Monomoy/Handkerchief Shoals); a split-site alternative with 25 turbines located outside New Bedford Harbor and a reduced footprint at Horseshoe Shoals; a deeper water location South of Tuckernuck Island; and

the one onshore alternative, located at the Massachusetts Military Reservation (MMR) on Cape Cod.

Of the three alternatives involving wind farm development outside of Nantucket Sound proper, it would appear that two -- the MMR location, and the portion of the split-site alternative lying outside New Bedford Harbor -- are more problematic than the discussion of legal/regulatory constraints in the DEIS/R indicates. Indeed, the MMR has clearly ruled out any conversion of its land to non-military use, so that alternative no longer warrants further consideration -- leaving no land-based sites that are reasonably capable of development to be further evaluated for comparative purposes.

The New Bedford offshore location also may need to be eliminated from further review, because it lies in state waters and within the Cape Cod & Islands Ocean Sanctuary and thus may be subject to a prohibition on offshore power generating stations under the Massachusetts Ocean Sanctuary Act (MOSA: M.G.L. c. 164, secs. 12A-16F, 18). The DEIS/R acknowledges MOSA as a legal/regulatory constraint in Table 3-5, but asserts on page 3-35 that use of this offshore watersheet is "permissible (assuming issuance of MADEP Chapter 91 Waterways License)." However, the regulations implementing Chapter 91 at 310 CMR 9.33(1)(f) state that "no license or permit shall be issued for any structure or fill that is expressly prohibited" by the Ocean Sanctuaries Act. Accordingly, the question of whether an express statutory prohibition applies to the New Bedford alternative site needs to be determined, and CZM recommends that the matter be clarified before retaining that site for further comparative evaluation.

Elimination of the MMR and split-site alternatives would leave only one potentially developable/approvable site outside of Nantucket Sound -- the South of Tuckernuck Island alternative, which was selected for a closer look "in order to provide some perspective on whether deeper sites are currently feasible", recognizing that the industry "appears to be moving towards attempting to install offshore wind turbines in deeper water." This location was chosen over two other nearby deepwater sites that were judged to be relatively less attractive: one south of Martha's Vineyard, disfavored largely because of concerns regarding the potential for unexploded ordinance in the area; and the other at Nantucket Shoals, which exhibits extreme wave heights (ESW) of approximately 65 feet. Apart from considerations of deep water constructability, the South of Tuckernuck Island Alternative is clearly advantageous from the standpoint of visual impacts insofar as no portion of the wind farm would be visible from any part of the Cape Cod shoreline, thus greatly reducing the number of affected viewers and historic properties. To the extent that a determination can be made based on the information in the DEIS/R, the impacts on environmental resources of this site appear to be comparable to other alternatives, although the direct impacts may be somewhat greater due to the need for a larger diameter monopile and/or quad-caisson foundations. On the other hand, it may have fewer indirect impacts than the preferred Horseshoe Shoals alternative, which may have a significant effect on the sediment transport system and ecological character of Nantucket Sound.

Before the potential advantages of the South of Tuckernuck Island alternative can be effectively weighed, however, the threshold question of development capability must be resolved. On this point the DEIS/R is rather equivocal and inconclusive, reflecting the fact that "the technology is evolving



rapidly; there was no clear consensus on what is considered to be the current state of the art or what could be expected to be feasible in the reasonably foreseeable future.” This is particularly apparent in the use of a 50’ maximum water depth and 20’ maximum ESW as key screening criterion, described on page 3-29 as “generally accepted industry guidelines that define the limits of currently available and technically proven offshore WTG foundation designs.” However, the Peer Review Summary Report (Appendix 3-E) states that several reviewers found that the Applicant did “not provide a well-supported argument for the conclusions” regarding water depth and ESW, and further notes that “there is no discussion or reference to the design standards for offshore wind turbines which are being developed by the International Electrotechnical Commission Technical Committee 88, Working Group 3...”, expected to be released shortly in draft form.

CZM also takes note of Appendix 3-F (“Garrad Hassan Report- Review of Offshore Wind Farm Project Features”), which indicates that several projects in Europe proposed for construction in the reasonably foreseeable future are to be located in water depths greater than 50 feet, including the Borkum West project in the North Sea, proposed in waters 30 meters deep (approximately 90 feet). Unfortunately, Table 3 in Appendix 3-F does not list the ESW for the 30 meter site, but the discussion in Appendix 3-E references the Blythe project in the UK which is reported to have an ESW of 28 feet and to be experiencing breaking waves (contrary to some assertions that it is not practical to design a wind turbine to withstand forces associated with plunging breakers). Finally, it has been reported separately that the Long Island Power Authority used a water depth of 70 feet in its siting study.<sup>2</sup> For purposes of comparison, we note from Figure 3-2 that a significant portion of the South of Tuckernuck Island site appears to lie in waters less than 75 feet, which is within the range of the North Sea and Long Island Sound projects; and although the ESW of 51.1 feet apparently exceeds that encountered in practice elsewhere, the site is described as sheltered to some extent from open ocean waves due to the position of Nantucket to the east.

In light of these observations concerning deeper water sites, CZM recommends that the South of Tuckernuck Island alternative be evaluated at a greater level of detail with respect to engineering design and environmental resources, so that a more instructive comparison of shallow water and deeper water sites can be undertaken. The DEIS/R falls short of offering an effective basis for such comparison: for example, while it notes on page 3-125 that three different foundation sizes will be needed for the South of Tuckernuck alternative, depending on the water depth in which the foundation is constructed, the document does not specify how many of each type of foundation would actually be necessary; therefore it does not appear to be possible at this time to compare the direct impacts of the South of Tuckernuck site with the Horseshoe Shoals alternative. This additional analysis should also consider whether the number of larger foundation systems could be minimized by reducing or reconfiguring the project footprint.

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<sup>2</sup> See *Long Island's Offshore Wind Energy Development Potential*, prepared for the Long Island Power Authority, dated January 31, 2003. Downloaded from [www.lioffshorewindenergy.org/](http://www.lioffshorewindenergy.org/).

Finally, while the direct impacts of the larger foundation structures needed at deeper water sites must not be discounted, there may be benefits that can offset or mitigate such impacts. In particular, a site such as South of Tuckernuck Island may have benefits related to greater wind speed that influence economic feasibility. Accordingly, CZM requests clarification of the wind classification of the Nantucket Sound and South of Tuckernuck alternatives. In Table 3-5, the Nantucket Sound sites are given wind classification values of 5 and the South of Tuckernuck Alternative a value of 6; however, in section 3.4.3.3.2, which compares the economics of the alternatives, both sites are stated to have wind classification values of 6. Similarly, in section 3.0 the South of Tuckernuck site is generally described as having better wind resources, yet the economic analysis in Table 3-48 indicates very little difference between the Nantucket Sound and South of Tuckernuck sites with respect to wind speed.

### **Federal Consistency Review**

The proposed project is subject to CZM federal consistency review, and therefore must be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact Alex Strycky, Project Review Coordinator, at 617-626-1219 or visit the CZM web site at [www.state.ma.us/czm/fcr.htm](http://www.state.ma.us/czm/fcr.htm).

Thank you for this opportunity to comment.

Sincerely,

Susan Snow-Cotter  
Acting Director

Cc: Phil Weinberg, DEP  
Paul Diodati, DMF  
Mike Gildesgame, DCR  
Tim Timmermann, EPA  
Vern Lang, U.S. Fish & Wildlife  
Elizabeth Kouloheras, DEP  
Energy Facilities Siting Board  
Vin Malkowski, DMF  
Town of Yarmouth Conservation Commission  
Town of Barnstable Conservation Commission  
Cape Cod Commission

2/24/05

004029

Dear Ms. Kirk-Adams,

As a summer resident and a visitor of Nantucket Sound for over thirty years, I am opposed to the industrial development of this precious resource. I am not in favor of a privately funded project capitalizing on using our waters for private industry in the name of renewable energy and conservation.. In am in favor of 'green' energy, but, this doesn't seem to be the case when so much is at risk.

My concerns are many. I am not in favor of the light and sound disturbances that will be generated from these 130, 417 foot wind turbines. I am greatly concerned about fuel spills related to the turbines and other industrial pollution generated by the maintenance of such massive structures. Beyond the aesthetic changes to this beautiful coastline, I am disturbed by the impact this industrial plant will have on area wildlife.

Thank you for your involvement in this matter. I know that there is much to consider in the big picture but I do believe a resource as special as Nantucket Sound is worth defending.

Sincerely,

  
Bette Mikonis Troy



U.S. Fish & Wildlife Service

**FAX**

*New England Field Office*

70 Commercial St., Suite 300, Concord, NH 03301-5087

Phone: 603/223-2541, FAX: 603/223-0104

Date: 2/24

To: Chris Godfrey / Karen Adams.

From: Mike Battlett

Pages to follow:

4

Subject:

Cape Wind

004030



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New England Field Office  
70 Commercial Street, Suite 300  
Concord, New Hampshire 03301-5087



February 24, 2005

Colonel Thomas L. Koning  
District Engineer  
U.S. Army Corps of Engineers  
696 Virginia Road  
Concord, MA 01742

Dear Colonel Koning:

This is in response to Public Notice 2004-388-1, an application by Cape Wind Associates for a Section 10 permit to install and maintain 130 wind turbine generators and associated infrastructure in Nantucket Sound, Massachusetts.

The proposed offshore wind farm would entail a form of exclusionary occupation in 24 square miles of public waters, lands and airspace, as described on Plan Sheet 2 and Sheet 2 of 18 in the Public Notice. Turbine support structures would physically occupy approximately 0.68 acre of bottom lands. Additional lands would be affected by 1) the large-scale jack up barges needed to provide stable work platforms during construction, 2) the installation of electrical cables from each turbine to the electrical service platform and from the platform to onshore transmission facilities, and 3) the construction of scour protection measures around the base of each turbine monopole. Approximately 1,381 acres of benthic habitat would be affected in the construction footprint of the proposed project (DEIS, Table 5.3-3). Wind turbines with a capacity of 3.6 mw and rotor tip height of 417 feet above sea level would be used in the wind energy project.

Aquatic resources of national importance in Nantucket Sound include 1) migratory birds, shellfish, fish and other benthic and pelagic species utilized by fish, birds and mammals, including man; and 2) physical attributes such as a semi-enclosed shallow sea with a complex of macro- and micro-scale habitat features. These resources are more fully described and discussed in the Fish and Wildlife Service reports dated March 25, May 6, and June 29, 2004 to your Regulatory Division, which were based on our review of environmental documents for the proposed project. In addition, we are also incorporating by reference all of the Service correspondence on the proposed Cape Wind Project contained on the Chronology of Service Correspondence attached to this letter.

- 2 -

In view of the above, it is the opinion of the Fish and Wildlife Service, Department of the Interior, that the Cape Wind proposal may represent substantial and unacceptable adverse impacts to the aquatic resources of national importance as defined in paragraph one, Part IV(3)(a) of the Clean Water Act subsection 404(q) Memorandum of Agreement, signed December 21, 1992, between the Department of the Army and the Department of the Interior. We are hereby making this notification to preserve our prerogative to elevate matters associated with the processing of this application at some future time should the need arise.

Questions should be directed to Mr. Vernon Lang or myself at 603-223-2541.

Sincerely yours,



Michael J. Bartlett  
Supervisor  
New England Field Office

Attachment

### **Chronology of Service Correspondence**

**December 31, 2001 – Scoping letter to Robert Durand, Secretary, Massachusetts Executive Office of Environmental Affairs. Discussed migratory birds, fisheries, submerged lands, alternatives, and other scoping issues for the joint EIR/EIS.**

**January 17, 2002 – Service report on the Section 10 permit application to install a data collection tower on Horseshoe Shoal in Nantucket Sound. The Service recommended that the data tower application be held in abeyance pending completion of the scoping process. This would enable the agencies to identify equipment/technology and study design necessary to fill data gaps for the EIR/EIS. The Service recommended that the data tower be fitted with various remote sensing equipment identified during the scoping process.**

**February 22, 2002 – The Service agreed to participate as a cooperating agency within the limits of existing staff and funding constraints.**

**April 1, 2002 – Scoping letter discussing two-step evaluation process for OCS lands similar to process for oil and gas development to create a more efficient NEPA process. Also discussed purpose and need and iterative screening process to identify the range of reasonable alternatives.**

**May 8, 2002 – Scoping letter identifying need for remote sensing studies for birds; predator-prey investigations involving benthic species, fish, mammals and birds; and avian response to weather events in Nantucket Sound. The Service recommended three (3) years of study using radar and other techniques (Option 1). Letter also addressed consultation process and information needs regarding roseate tern and piping plover.**

**May 13, 2002 – Memorandum discussing alternative options to the pile-supported data tower. Also recommended two (2) long-range acoustic recording devices be installed on the tower, if it is selected.**

**May 16, 2002 – Memorandum discussing the draft scope of work for the DEIR/DEIS. We reiterated comments made in prior scoping letters, including the need for three years of radar study for avian resources (Option 1), and interconnections between benthic, fishery and avian resources.**

**June 7, 2002 – Memorandum discussing the list of Special Conditions for the data tower Section 10 permit. The Service learned that our recommendation for the long-range acoustic monitors were not included, and asked the Corps to confirm if they had been accepted or rejected.**

**July 19, 2002 – Formal Section 7 consultation letter stating that the data collection tower would have no, or at most discountable, effects on the piping plover and roseate tern.**

**October 22, 2002 – Memorandum recommending that the recreational intercept study be conducted using face-to-face interviews as a means of gathering more site-specific information than could be obtained by telephone interviews.**

- 2 -

November 13, 2002 – Memorandum discussing the screening process for the Cape Wind alternatives analysis. We identified constraints that exert undue control on the identification of reasonable alternatives, including the definition of utility-scale and the requirement for renewable energy with a connection to the New England grid.

December 11, 2002 – Memorandum discussing the alternatives screening process, including a fatal flaw matrix. Raised concerns with the definitions of project purpose and utility-scale, and with the criteria in the fatal flaw matrix.

May 1, 2003 – Memorandum discussing purpose and need statement and preliminary screening criteria for the alternatives analysis. We reiterated the concerns raised in the November 13 and December 11, 2002 memoranda above. In addition, we cited the ISO-NE CELT report and the large number of small-scale generating stations on the grid. The CELT report does not support the notion that utility-scale must be at least 200 mw.

March 25, 2004 – Memorandum discussing the Table of Contents, Project Purpose and Need, and Project Description sections in the Cooperating Agency review draft. We suggested that the project purpose be broadened because it is so narrowly drawn that representative sites must be invented for the alternatives analysis. In addition, we suggest that the same criteria be used to evaluate all alternatives considered in each iteration for process consistency.

May 6, 2004 – Memorandum regarding the alternatives analysis in the agency review draft. This is a page-by-page, line-by-line review. We identified shortcomings with the no-action alternative, and identified data gaps in baseline data for the action alternatives. In particular, we identified conclusory statements and other areas where the document is vulnerable because the data and/or literature do not support the conclusions drawn.

June 29, 2004 – Memorandum discussing the environmental effects of the applicant's preferred alternative in the agency draft. This is a line-by-line, page-by-page critique. In this review, we identified the major shortcomings regarding the lack of temporal and spatial data for the benthic, fishery, and avian sections of the document. This is our first opportunity to review and comment on the avian radar study, and we identified the stark contrast between the number of birds observed in the rotor-swept zone by boat and aerial surveys (365), versus the radar surveillance (127,697).

February 15, 2005 – Memorandum discussing proposed field study consisting of nighttime boat and aerial surveys of winter waterfowl in Nantucket Sound. With respect to the very serious data gaps that exist in the Cape Wind DEIS regarding avian resources, this proposed study represents another failed opportunity to collect the right kind of information for impact assessment purposes.





004031

**Program Planning & Integration  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce**

13155 East West Highway  
SSMC-3

Silver Spring, MD 20910

**Assistant Administrator**  
Mary Glackin - 301-713-1632

**Acting Director, Strategic Planning Office**  
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**TO:** Karen Adams

**FROM:** Shelby Mendez  
**Tel.:** 301-713-1622 ext 207

**FAX:** 978-378-8303

**Number of Pages:** 18  
(including cover sheet)

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**MESSAGE:**

Comments from NOAA on Cape Wind Energy  
Project DEIS- USACE NAE-2004-338-1



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
PROGRAM PLANNING AND INTEGRATION  
Silver Spring, Maryland 20910

February 24, 2005

Colonel Thomas L. Koning  
U.S. Army Corps of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742

Dear Colonel Koning:

The National Marine Fisheries Service (NOAA Fisheries Service) has reviewed the Draft Environmental Impact Statement (DEIS) for the Cape Wind Energy Project (USACE NAE-2004-338-1) to construct and operate 130 wind turbine generators (WTGs) in Nantucket Sound, Massachusetts, to be connected by submarine cables to the shore at West Yarmouth, Massachusetts for distribution to the existing power grid. This DEIS also serves as the Draft Environmental Impact Report (DEIR) required pursuant to the Massachusetts Environmental Policy Act. NOAA Fisheries Service served as a cooperating federal agency in the development of the DEIS.

Cape Wind Associates proposes to build 130 WTGs on Horseshoe Shoal in Nantucket Sound. Each WTG would be mounted on a single 16-18 foot diameter monopile. The WTGs would be spaced in a .36 nautical mile by .54 nautical mile grid and would occupy approximately 24 square miles. Each WTG would be connected by a 33 kilovolt (kV) submarine cable to an electric service platform (ESP). The ESP would transform and transmit alternating current electricity to shore through two 115 kV submarine cables. The maximum potential electric output is expected to be 454 megawatts (MW) distributed to the power grid on shore.

As a cooperating agency on this DEIS, NOAA Fisheries Service staff has been involved throughout the scoping and development stages. Staff has participated in interagency and stakeholder meetings and has provided comments on early draft sections of the DEIS. The comments that follow are in accordance with provisions of the National Environmental Policy Act (NEPA) and focus on DEIS sections for which NOAA Fisheries Service has jurisdiction and technical expertise. Specific comments and recommendations pursuant to the consultation requirements of the Magnuson-Stevens Fisheries Conservation and Management Act, Fish and Wildlife Coordination Act, and Endangered Species Act will be provided in additional letters from the NOAA Fisheries Service Northeast Regional Office located in Gloucester, Massachusetts.



While there are many specific comments provided on the DEIS, there are several issues that should be addressed before the ACOE issues the Final Environmental Impact Statement (FEIS) for the project:

- 1) The presentation of alternatives needs to be balanced by developing a more complete and objective discussion of potential benefits and impacts, and a more thorough analysis of the non-preferred alternatives.
- 2) A more detailed analysis on the socio-economic impacts/benefits to fisheries should be presented.
- 3) The construction and operation impacts have not been adequately analyzed and need to be fully developed regarding the magnitude of the impact on living marine resources and expected recovery rate.
- 4) Within the dynamic bottom environment of Nantucket Sound, impacts on fishing activities may occur from submarine cables becoming exposed. The FEIS should explore the possibility of the cable being uncovered, how to maintain coverage of the cable, and planning for the event of fishing gear interactions with a cable.

These issues are addressed in the comments that follow:

#### General Comments on DEIS

The organization of the document is not conducive to a rigorous evaluation and comparison of impacts of the alternatives.

First, the detailed evaluation of the impacts of the proposed action is described in Section 5, whereas less detailed comparisons of alternatives are performed in Section 3.4. It is cumbersome to move back and forth from Sections 5 and 3.4 to obtain an understanding of the detailed effects of each alternative.

If the discussions in Section 3.4 are a substitute for a typical EIS "Environmental Consequences" section that evaluates the final list of alternatives, then these impact analyses lack:

- the similar rigorous level of detail as Section 5;
- appropriate use of scientific literature citations to support the conclusions;
- an analysis of cumulative effects of the other alternatives.

In addition, the impacts of the required "No Action alternative" (in Section 3.3) lack sufficient detail on the environmental side by only stating that the impacts described in the following section would not happen. No attempt was made to describe the impacts of the existing and future conditions without the project as a baseline for a cumulative effects analysis.

Further, Section 3.4.3.1 describes the intent of the section as "not to select a preferred alternative." We acknowledge that part of Section 3 was to deal with the generic impacts of other types of energy sources. However, the very focus of the alternatives analysis in an EIS, as described in 40 CFR 1502.14, is to bring forward the conclusions of the detailed impact analyses of alternatives to provide the basis for selection of the preferred alternative.

### Cumulative Impacts

It appears that the 1997 CEQ Guidance on performing cumulative effect assessments was not followed here. Although the cumulative effect sections on benthos and fisheries identify general categories of activities (dredging, trawling, etc.), they fail to provide an assessment of the effects that these activities have had on these resources in each of the alternative project areas. The discussions mainly focus on other proposed transmission cables. Coastal areas in the alternative project areas provide important habitat for one or more life stages to most, if not all, of the identified species. Have some species been more affected than others have? Would the proposed activities add negative impact on these species, and which ones might be the most affected? Coastal development and activities have already permanently altered or removed habitat along the south shore of Cape Cod and the nearby Islands. The FEIS should provide a general assessment to describe the extent to which these activities have had adverse effects on benthic, shellfish, and fisheries resources in the alternative project areas. The cumulative effect assessments would then determine whether the proposed project (or alternatives) combined with these past generic impacts (and potential impacts of other identified proposed projects in the area) would have a greater or a minimal negative cumulative impact on each of these resources.

### Section 1.0 - Executive Summary- Protected Marine Species

1. Page 1-10 – paragraph 2 – “...they are likely to temporarily avoid the area during construction activities” – need justification for this statement.
2. Paragraph 3 – “These behavior changes would be short-term and would likely be similar to the avoidance behaviors observed during heavy pleasure boat use, ferry traffic, or heavy fishing activity in the area.” This statement, especially the fishing activity part, cannot be justified. If whales avoided areas of heavy fishing activity, there would likely be fewer entanglements occurring. Also, this sentence appears to contradict later statements about humpback whales being habituated to boat activity and being found in the vicinity of boats.
3. Page 1-11 – Bullet 2 – the NOAA whale watching guidelines (not “procedures”) – how will these be used? Further detail will be needed but this would be more appropriately listed in later sections.
4. Bullet 3 – “initial construction activities” – needs to be more fully defined?
5. Page 1-11 – Bullet 5 – The underwater sound monitoring done during the installation of the data tower should be more fully described with regard to protection of marine mammals and sea turtles.

### Section 2.0 – Purpose and Need

The purpose and need statement focuses on the need for a “utility scale renewable energy” facility. This section should offer more explanation as to why “utility scale” is needed since project justification is dependent on this scale. The use of “utility scale” limits the analysis of reasonable alternatives.

## Section 3.0 – Alternatives Analysis

### General Comments on Section 3.0

1) The long-term impact analyses on the sediment habitat with the use of scour mats were too cursory in the sediment, benthos, and fisheries sections. Assuming the mats work, the changes to the sediments, benthic community, and associated demersal fish community need to be described in more detail. For example, it is likely that the sediments in the depositional areas created by the monopile in concert with the pads will encourage settlement of finer grain sediments in areas that just may not be limited to the size of the scour pads. What shifts in benthos (at least in terms of feeding types) and, hence, fish use of these areas are likely? What is the long-term stability of these fine-grained areas compared to sediments in the more exposed areas? It seems there would be differences between alternatives, at least between the New Bedford and Nantucket Sound sites, on this issue, i.e., more of a change for the Nantucket Sound sites.

2) The Scour analysis described in Appendix 4 only evaluates the Nantucket Sound alternative. The DEIS should provide the rationale how and why this applies to all the aquatic alternatives.

3) The areas of impact for the Nantucket Sound alternative in Table 3-51 are not consistent with those in Table 5.3-3. It appears that the area of impact in Table 3-51 may be from the earlier configuration for the Nantucket Sound alternative.

### 3.1 Geographic scope and Primary Project Criteria (second bullet)

The alternative to have “small, distributed power generation facilities” collectively adding a comparable amount of energy is discounted and should be examined more fully. There may be technical or economic reasons why this is not considered reasonable, but the discussion needs to occur and the conclusions fully justified. This may be covered with a more thorough discussion of the need for the project to be “utility scale.”

### 3.2 Assessment of Energy Generating Technologies

All sections could use more balance - there are lengthy discussions of negative consequences but there is little discussion of benefits. There is no discussion of gas explosion dangers, which should be discussed consistent with the discussion on oil spill impacts.

#### Section 3.2.2.2 Tidal Power

The DEIS should avoid making sweeping generalizations. Section 3.2.2.2.6 states: “Due to insufficient tidal fluctuations in this region, tidal power is not a feasible renewable energy alternative.” Alternate wording would simply say that it is not a reasonable alternative to the proposed project, or some other similar type qualifier.

Many of the negatives listed under 3.2.2.2.5 Environmental Impacts pertain to the Cape Wind project as well. For example, if tidal power is discounted as an alternative in part due to the

environmental impacts, the DEIS should discuss how the Cape Wind project gets “preferred” status with similar or greater impacts. (See e.g., 3.2.2.2.6, Summary: “...development of tidal power in this region, which requires significant coastal construction and modification, could have significant impacts on marine life”).

#### Section 3.2.2.6 Wind

The section on wind stands in stark contrast in tone to every earlier discussion of other energy types. Whereas tidal energy had environmental impacts, wind energy has only “...environmental issues in need of further review...” (Section 3.2.2.6.5). Tidal energy impacts wintering and migratory birds, yet wind power, with turbines and location on a flyway, makes hardly any mention, or dismisses avian impacts as being site-specific and mitigated by new technologies and siting. The solution would be to discuss the benefits associated with the other energy systems and acknowledge that wind power does have impacts that will have to be considered and potentially mitigated.

#### Section 3.3 No Action

The no action alternative should expand on the bulleted text to provide more information on the potential benefits of the project.

#### Section 3.4 Preliminary Siting Criteria and Potential Sites

The need for connection and transport to the grid is likely critical, and the document’s conclusion that it is infeasible causes many potential options (both terrestrial and marine) to be eliminated. The document should include a discussion of what would be required to upgrade infrastructure to allow for connection to the grid in order to justify the assumption that this would be too difficult and cost prohibitive.

In discussing various options, the DEIS often states that the “...watersheet is (or isn’t) permissible.” The term “permissible” connotes a legal determination. The meaning of “permissible” should be explained.

#### Section 3.4.3.4.2 Geology and Soil Sediments

Nantucket Sound - Good information is presented on the overall affected footprint and some good information on scour, but further information should be presented on the amount of sediment that would be suspended at the time of the construction. How much turbidity would occur? How big the plume? If temporary, how long? If localized, what area?

#### Section 3.4.3.4.4 Protected Species

Please see comments for Section 5.5 (Protected Marine Species), Appendix 3-G and Appendix 5.5A.

#### 3.4.3.4.5 Fisheries (Impacts during construction)

The anticipated impacts of both construction and operating phases on fish are too generic, only occasionally mentioning a few of the many species identified within the project area. Further analysis is needed on differential impacts on species and why that does or does not differ between alternatives.

Also, the section on Habitat Modification/Occupation seems conclusory and lacking citation to any academic study that would form the underpinnings of such a conclusion. The theory might be legitimate, but without any citation, the conclusions would not be adequately supported.

#### Section 3.4.3.4.19 Socio-Economics

There was minimal discussion under 3.4.3.4.5 Fisheries on the socio-economic impacts and it is not discussed in this section either. The socio-economic impacts on fisheries and protected resources need to be discussed and a comparison between alternatives is required.

#### Section 5.4 - Finfish Resources and Commercial/Recreational Fisheries

##### Impacts on winter flounder within Lewis Bay

The DEIS proposes that the 115 kV submarine transmission cable will originate at the ESP in Nantucket Sound and will land at New Hampshire Avenue in the town of West Yarmouth, Massachusetts. The proposed cable route will transit Lewis Bay. Approximately 200 feet seaward of mean low water (MLW), the cable will transition to horizontal directional drill (HDD) to avoid coastal resource areas. In order for this transition to occur, the applicant is proposing to excavate a pit with a cofferdam. According to the DEIS, Lewis Bay has sediment types (sand and silt) and water depths (2-16 feet) in which we would anticipate winter flounder spawning and juvenile development to occur. As a result, the proposed cofferdam could potentially exclude approximately 2,925 square feet of winter flounder spawning habitat if work were to occur during sensitive time periods.

Jet-plow activity seaward of the HDD exit point will continue through Lewis Bay for a distance of over one mile. As stated within the DEIS, the 115 kV submarine cable transmission system includes two cables, each with a 4-6 foot wide jet-plow trench with a 20-foot separation between. As this trench will occur over at least one mile through winter flounder essential fish habitat (EFH), we anticipate that spawning activity will be disrupted over significant areas of bay bottom if occurring during sensitive time periods for winter flounder.

Appendix 5.2-c of the DEIS outlines the results of the suspended sediment modeling program (SSFATE) for cable burial within Lewis Bay. We are particularly concerned about the anticipated depth of suspended sediment deposition resulting from the activity. As winter flounder eggs range in size from 0.74-0.85 in diameter (Pereira, et al, 1999), levels of deposition above 0.5 mm can adversely affect winter flounder eggs, due to suffocation. Based on our review of the modeling results, levels of suspended sediment that may adversely affect winter

flounder eggs would cover an area approximately 100 feet wide around the cable. This assessment assumes that the material within Lewis Bay is sand. Section 5.1.3.3 of the DEIS notes that there are higher percentages of silt and clay within Lewis Bay compared with Nantucket Sound. Such sediments are expected to remain in the water column for longer periods of time than would sand and impacts may extend out greater distances from the disturbance and increase the areal extent of impact on winter flounder eggs.

As noted within Section 4.3, this portion of the project is anticipated to occur during the first and second quarters of 2006. This period (January through June) represents the sensitive time period during which we would anticipate winter flounder spawning and juvenile development to occur in this area. As such, we would encourage the applicant to arrange the project schedule to avoid in-water work within Lewis Bay between January 15--May 31 of any year in order to protect sensitive life stages of winter flounder.

#### Temporary impacts from placement of cables within Lewis Bay and Nantucket Sound

Section 5.3.4 and Table 5.3-3 of the DEIS identify that the proposed project will result in approximately 1,378 acres of temporary impacts on benthic habitats during construction. These temporary impacts are the result of the installation of submarine cables, inner-array cables, the monopiles, and the ESP, as well as the associated anchors and anchor line sweeps. While the DEIS states that these impacts are anticipated to be temporary and localized, NOAA Fisheries Service maintains that such benthic impacts have not been fully evaluated. Specifically, there is little discussion of the magnitude of anticipated impact and the anticipated recovery rate.

Section 5.1.3 and figure 5.1-6 of the DEIS notes several areas of short and long period sand waves throughout the project area on Horseshoe Shoals. According to recent evaluations of fishing gear effects (Stevenson, et al, In Press), the smoothing of sand ridges as a result of trawl gear can adversely affect fisheries habitat<sup>1</sup>. Finfish resources utilize biogenic depressions and sand ridges for refuge and shelter, and loss of these habitats can affect fish energy requirements. Furthermore, loss of this sand ridge structure habitat can impact the forage base for larger fishery resources in the area. NOAA Fisheries Service maintains that the proposed temporary impact from jet-plowing/cable laying and anchor chain sweeps can adversely affect sand wave habitat. While recovery is expected to occur within this dynamic environment, studies have shown that recovery may be prolonged for up to one year. The lost functions and values of this habitat – from initial impact to the time of full recovery to pre-construction contours – are important to understand. We recommend that the FEIS analyze the anticipated effects of these temporary losses and the anticipated time period for recovery. Efforts to minimize impacts on benthic habitats, such as mid-line anchor buoys, should be utilized for the proposed project. For impacts that cannot be avoided, compensatory mitigation for lost functions and values for temporary impacts should be presented within the FEIS.

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<sup>1</sup> Stevenson, David K., Louis A. Chiarella, C. Dianne Stephan, Robert N. Reid, John E. McCarthy, and Michael Pentony. In Press. Characterization of Fishing Practices and the Marine Benthic Ecosystems of the Northeast U.S. Shelf, and an evaluation of the Potential Effects of Fishing on Essential Fish Habitat. NOAA Technical Memorandum, Northeast Fisheries Science Center, Woods Hole, MA.



### Eelgrass

As stated within the DEIS, there is potentially eelgrass near Egg Island within Lewis Bay. Eelgrass beds, when located within summer flounder EFH, have been designated as a Habitat Area of Particular Concern (HAPC) by the Mid-Atlantic Fishery Management Council<sup>2</sup>. In addition, eelgrass beds have been designated by the US Environmental Protection Agency as "special aquatic sites" pursuant to section 404(b)(1) of the Federal Clean Water Act, due to their important role in the marine ecosystem. In order to ensure protections of eelgrass from cable activities, the areal extent of the bed should be delineated, and steps should be taken to avoid adverse effects resulting from direct impacts as well as from suspended sediment loading.

### Permanent impact on benthic habitats from WTGs and scour mats

According to the DEIS, the benthic footprint of the wind towers and associated scour mats will be 0.68 acres and 2.53 acres, respectively. These structures represent a permanent impact of 3.21 acres of benthic substrate. Based on our review of the DEIS, compensatory mitigation for this permanent impact has not been explored but should be in the FEIS<sup>3</sup>.

### Foreseeable impacts on fishing activities

As stated within the DEIS, a number of fishing activities actively occur within the project area using a variety of gear types. Gear types utilized in the area include static gears such as pots and traps, as well as bottom tending mobile gears such as otter trawls. A significant number of the fishing trips occurring within the project area utilize trawl gear.

NOAA Fisheries Service is concerned that the proposed project has the potential to adversely affect fishing activities within the wind park due to the uncovering of cables. Should the inner-array of cables become exposed or move towards the surface, commercial fishing activities may be excluded from the area due to potential conflicts with trawling gear. While the proposed inner-array of cables is to be buried to a depth of six feet, the extreme conditions analysis within Appendix 4.0 of the DEIS estimates that scour could occur to depths of 6.0-8.5 feet. Should this type of scour occur and cables become exposed due to natural events (i.e., hurricane, nor'easter), there is the potential for fishing gear interactions with cables, or in extreme cases, the *de facto* exclusion of fishing activities from the 24 square mile project area. While the scour analysis presented in appendix 4.0 is related specifically to the ESP and the WTGs, the FEIS should analyze extreme scour projections for the inner-array of cables.

As stated above, a target cable burial depth of six feet is anticipated. The FEIS should identify provisions in the event that the target depths have not been met. Specific issues include whether the applicant continue burial until a minimum depth of six feet is achieved, or whether the applicant will ensure that the cable remains buried to a depth of six feet throughout the life of the

<sup>2</sup> Mid-Atlantic Fishery Management Council, Amendment 12 to the Summer Flounder, Scup and Black Sea Bass Fishery Management Plan, October 1998.

<sup>3</sup> Clean Water Act Section 404(b)(1) Guidelines specify the order of consideration of project alternatives, first avoidance, second minimization and last mitigation.

project. These issues are of great concern to NOAA Fisheries Service due to the fact that the burial depth of the cable is presented as the primary mitigative method of avoiding conflicts with commercial fishing activities. Finally, should interactions occur between cables and fishing gear, some form of contingency planning should be addressed within the FEIS.

#### Impacts on commercial fishing vessel navigation

The FEIS should expand on the discussion of impacts related to active fishing vessels within the project area. Of specific concern is that vessels utilizing trawl gears within the project area will be forced to maneuver throughout the wind park. The DEIS states that due to the orientation of the structures, fishing vessels will be able to travel in a straight line. However, fishing vessels that attempt to maneuver in alternate courses may be impacted and efficiency may be reduced. The FEIS should include an assessment of fishing gears utilized in the area, lengths of nets and lines, anticipated tow speeds, etc., to determine any adverse impacts on commercial fishing navigation.

#### Essential Fish Habitat Assessment

The expanded Essential Fish Habitat Assessment (EFHA) describes the federally managed species that have been designated by the New England and Mid-Atlantic Fishery Management Councils, as well as their anticipated presence within the project site. The EFHA concludes that impacts resulting from the construction of the proposed project will be localized and temporary and that little mitigation will be required. The EFHA, however, does not discuss the impacts on fisheries habitat resulting from 1,378 acres of temporary impact during construction of the wind park. As stated above, further assessment of impact and recovery fishery habitats should be performed within the FEIS prior to any conclusions regarding mitigation. Moreover, it is important to be mindful that the sequential obligations of the applicant are first to avoid, and then minimize, adverse impacts. Only then are remaining unavoidable impacts addressed by mitigation. (see footnote 3)

#### Protected Marine Species

#### **General Comments for Protected Marine Species (Section 5.5) and related appendixes (Appendix 3-G and Appendix 5.5A)**

1. Do not capitalize "right whale" in phrases containing "North Atlantic Right Whale" (except in titles) and use "North Atlantic right whale" rather than "Northern right whale"
2. Do not capitalize "ridley" in phrases containing "Kemp's Ridley"
3. Please refer to the "white-sided dolphin" as the "Atlantic white-sided dolphin"
4. Wherever text states that "Very few whales are sighted within Nantucket Sound," or similar statements (e.g., under "Seasonal Distribution in North Atlantic Waters" page 1 last paragraph, page 6 last paragraph, etc.), we suggest changing this to say that Nantucket Sound (and sometimes South of Tuckernuck and Buzzards Bay) do (does) not appear to be (a) high use area(s). There have not been systematic surveys of this region, so there is no assurance that few whales are actually found in Nantucket Sound.

5. The source "Waring et al., 2001" (Marine Mammal Stock Assessment Reports) is a commonly used reference. Please use the most current version of this annual report, which was published in 2003. Please update numbers and data for all marine mammal species. Note that these can be found online at:  
[www.nmfs.noaa.gov/prot\\_res/PR2/Stock\\_Assessment\\_Program/individual\\_sars.html](http://www.nmfs.noaa.gov/prot_res/PR2/Stock_Assessment_Program/individual_sars.html)  
 The citation for the 2003 Stock Assessment Report is:  
 Waring, G.T., R.M. Pace, J.M. Quintal, C.P. Fairfield, and K. Maze-Foley (eds.). 2003. U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments – 2003. NOAA Technical Memorandum NOAA-NE-182, 287 pp.

### Section 5.5 Protected Marine Species

1. 5.5.1 Introduction, paragraph 2 – In line 2, remove "typically" from "(typically via NMFS)"
2. 5.5.1 Introduction, paragraph 2 – Sentence 2 should read "This consultation includes preparation of a Biological Assessment to evaluate potential effects of the proposed action on listed and proposed species and designated critical habitat."
3. 5.5.2 Studies completed – The second and final paragraph should read "USACE is consulting with NMFS pursuant to Section 7 of the ESA to determine the effects of the action on listed species and ensure that the action is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat. Please refer to Section 7...."
4. 5.5.3.1 Federally Listed Species – In paragraph 1 and 2, replace "(Kurkul, 2002)" with "(NOAA Fisheries Service, 2002)"
5. 5.5.3.1 Federally Listed Species – Specific months that the species mentioned are found in Massachusetts waters should be included
6. 5.5.3.1 Federally Listed Species – paragraph 2, line 1, replace "marine reptiles are known to occur" with "marine turtles may seasonally occur..."
7. 5.5.3.2 State Protected Species – "There are no state listed threatened and/or endangered species located in the Project area." Large, endangered whales and sea turtles might be found in the Project area.
8. Citations regarding the striped dolphin should be changed to Waring et al., 2000. The striped dolphin was not included in the 2001 or later SARs.
9. 5.5.4 BA – Correct the spelling of "Lepidochelys" in paragraph 1
10. 5.5.4 BA – Paragraph 1, sentence 1 – This sentence should read "A BA under the Federal ESA was conducted to determine the likely effects of the action on listed species that are likely to occur in the action area."
11. 5.5.4 BA – Paragraph 2, sentence 1 – This sentence should read "Potential effects to these listed species resulting from the construction and decommissioning of the project include electromagnetic fields..."
12. 5.5.6.1.1 Potential Direct Impacts, Acoustic Harassment – The following statement in paragraph 4 must be justified: "If marine mammals or sea turtles are present in the Project area, they are likely to temporarily avoid the area during construction activities." (Refer to similar comment on Executive Summary) The following examples show mixed results from other species. See this web site for some studies on pinnipeds and porpoises:  
[www.hornsrev.dk/Engelsk/Miljoeeforhold/uk-rapporter.htm](http://www.hornsrev.dk/Engelsk/Miljoeeforhold/uk-rapporter.htm)

13. 5.5.6.1.1 Potential Direct Impacts, Acoustic Harassment – The statements made in paragraph 3 must be justified. Please explain why the expected levels of sound created by the action are not likely to harm marine mammals and sea turtles.
14. Page 5-78 Paragraph 1, last sentence. Define what is meant by “little vessel traffic” and what is considered by the statement “a slower speed.”
15. Page 5-78 paragraph 2 – The following statement must be justified “Some studies suggest that whales may react to short-term acoustic disturbances by moving away...” Please try to include the study listed below, it provides more current information regarding this topic.  
*North Atlantic right whales ignore ships by responding to alerting stimuli.* Douglas Nowacek, Mark Johnson, Peter Tyack, Proceedings of the Royal Society of London
16. Page 5-78, paragraph 5 – The DEIS states “underwater sound levels will be 2 dB below the 180 dB threshold for marine mammals.” Is it possible that the 180 dB threshold will be exceeded? Please include reasons why the 180 dB threshold will not be exceeded. Please justify the statement “there will be temporary avoidance behavior in marine mammals and sea turtles during Project construction.”
17. Page 5-78, the last sentence on the page needs a citation.
18. Page 5-79 Increased Vessel Traffic – Vessel Strikes – paragraph 2. While it may be acceptable to say that “Humpback, right, and fin whales should be able to detect tugboats, barges, and other slow-moving Project vessels,” there is little confidence in saying that they will avoid them. If whales avoided all boats, there would be no large whale collisions with vessels.
19. Page 5-79 Increased Vessel Traffic – Vessel Strikes – paragraph 2. The last sentence of this paragraph is not consistent with the most current information. Please refer to the Draft Revised Right Whale Recovery Plan (see [www.nmfs.noaa.gov/prot\\_res/readingrm/Recoverplans/narwrecplan.pdf](http://www.nmfs.noaa.gov/prot_res/readingrm/Recoverplans/narwrecplan.pdf)). The Draft Recovery Plan states that collisions with boats are the number one known cause of right whale mortality. An alternate approach is to demonstrate that large whales do not appear to use Nantucket Sound.
20. Page 5-80, Increase Vessel Traffic – Please clarify the size and speeds of the crew boats and the slower moving vessels.
21. Page 5-83 - Please assess the likelihood of an oil/chemical spill and the likely impact on listed species; use information from existing wind projects.
22. The document should discuss how long it is expected to take for benthic environment (invertebrates) to recover from cable laying.
23. Page 5-85, Operation/Maintenance – It seems that part of this sentence is missing.
24. 5.5.7 Mitigation – page 5-92 – Paragraph 1 – This section discusses that a NMFS-certified observer is only going to be on-site during “initial” construction activities. Please discuss the amount of time initial activities will take. Also, please further explain in paragraph 2 how vessels are going to follow the NOAA Fisheries Service whale watching guidelines (rather than “procedures”) while in transit. Does this mean abiding by speed restrictions?
25. 5.5.7 Mitigation – paragraph 1, sentence 2 – Sentence should read “A Biological Assessment was conducted to determine the likely effects of the action on threatened...initiated with NMFS and USFWS to ensure that the action will not jeopardize listed species....”
26. 5.5.7 Mitigation – paragraph 1, last sentence – The measures must be NMFS approved, not NMFS certified. These measures and what is intended need to be laid out clearly.

### Appendix 3-G: Marine Protected Species Descriptions (for marine mammals)

#### 2.1 Humpback whale

1. Page 1 last paragraph – please provide a cite for “Most references show humpback whales moving from the eastern shores of Long Island Sound, out around the southern shores of Martha’s Vineyard and Nantucket towards Nantucket Shoals and the Great South Channel.”
2. Figure 1 Humpback whale sightings – a) need to correct spelling of “novaeangliae” on graphic, b) include years covered by the graphic
3. Page 2 “Known Disturbance and Mortality Factors” – There are two sources of anthropogenic mortality for humpback whales, entanglement in fishing gear and *collisions with ships*. Remove the phrase “particularly off Newfoundland,” as entanglements in the U.S. are a major problem.
4. Page 2, paragraph 1. “NMFS 2002” references unpublished data from the Northeast Fisheries Science Center. This reference should be changed to Waring et al., 2003.
5. Page 2, paragraph 3. Add toxins to the list of causes of natural mortality.

#### 2.2 Fin whale

1. Page 3, paragraphs 1 and 2 – These statements seem to contradict each other: “Fin whales are commonly seen on the continental shelf in waters less than 100m deep, and rarely on the continental slope or beyond” and “They are common in waters out to the shelf edge at 200 m, but rarely are sighted in waters deeper than 2,000 m.”
2. Figure 2 Fin whale sightings. Please provide citation.
3. Page 4, paragraph 3 – see comment #3 above under “General Comments.”
4. Page 4 “Known Disturbance...” paragraph 2 – Ship strikes of fin whales are not really mentioned. The sentence beginning “In recent years, however, they have either ignored small vessels or ...” There is no reference here for this information. There is contradicting evidence to this statement, which can be found in the Large Whale Ship Strike Database, which indicates that the most commonly hit whale species is the fin whale. See <http://www.nero.noaa.gov/shipstrike/news/shipstrike03.pdf>.
5. Page 4 “Known Disturbance...” paragraph 3 – define the term “floaters.”

#### Northern right whale (should be “North Atlantic”)

1. Page 5 end of paragraph 2 – Please add this sentence or a similar statement: “For example, managers (i.e., NOAA Fisheries Service) use the right whale critical habitat designations to regulate certain activities, such as commercial fishing, to prevent serious injury and mortality to right whales.”
2. Page 5 paragraph 2 – should give latitude/longitude for these locations as well as seasonal designations (i.e., Cape Cod Bay, January 1 – May 15)
3. Page 5 paragraph 3 – sentence referring to Marx and Mayo 1992 – Do not include specific numbers of whales arriving in Cape Cod Bay, as the number of right whales between those months varies by year. If using number, please use averages over several years.

4. Page 5, paragraph 3 – The last sentence in this paragraph requires a citation.
5. Figure 3 Right whale sightings – What does “O.C. Proposed Critical Habitat” mean? We are not aware of any proposed critical habitat.
6. Page 6, last paragraph – Mate et al., 1997 demonstrate right whales inside Nantucket Sound. Also, there was a recent sighting inside the Sound reported by the Right Whale Sighting Advisory System (SAS) on 10/10/04 (see [www.nefsc.noaa.gov/rwhale/oct1004\\_zones.jpg](http://www.nefsc.noaa.gov/rwhale/oct1004_zones.jpg) )
7. Page 7 inside top paragraph – see comment #1 from humpback whales
8. “Known Disturbance...” – The two most significant impacts on right whale recovery right now are entanglements in fishing gear and collisions with ships. Paragraphs 1 and 2 of this section should be switched.
9. Paragraph 2 – “A total of 45 right whale mortalities” should read “mortalities.” The Knowlton and Kraus, 2001 cite should stand alone, the NMFS 2001 refers to a sea turtle document.

### 2.3 Loggerhead turtle

1. Paragraph 1 – First sentence should read “The loggerhead sea turtle (*Caretta caretta*) was listed as threatened throughout its range on July 27, 1978, under the Endangered Species Act and its status has not changed.”
2. Paragraph 1 – Add an additional sentence to the end of the paragraph, such as “Most recent evidence suggests that the number of nesting females in South Carolina and Georgia may be declining, while the number of nesting females in Florida appears to be stable.”
3. Seasonal Distribution, General – Add into this section that the loggerhead Atlantic range extends from Newfoundland to Argentina. Loggerheads occur in the northeast from May 1 through November 15.
4. Seasonal Distribution, Paragraph 1 – Line 4 should read “mostly in coastal waters...”
5. Seasonal Distribution, 1<sup>st</sup> sentence – add, it is mostly juveniles found in the Northeast waters.
6. Seasonal Distribution - Add the following information – Loggerheads commonly found in waters of 22-49 meters; they range from the beach to the continental shelf (Shoop and Kenney, 1992).
7. Seasonal Distribution, last paragraph – In line two, switch the word order of the phrase “occur rarely” to “rarely occur.” Also, remove the words “as well.”
8. Seasonal Distribution, last paragraph – In the second sentence, replace “Crocker (2003)” with “NOAA Fisheries Service.”

### 2.5 Kemp's ridley turtle (Correct the spelling of *Lepidochelys*)

1. Insert the sentence “The Kemp's ridley sea turtle was listed under the ESA as endangered on December 2, 1970, and status has remained unchanged” prior to the sentence “The Kemp's ridley turtle is the most endangered....”
2. Remove the last two sentences of the intro paragraph beginning with “The entire Atlantic population, consisting....” And replace with “Estimates of adult abundance indicated 9,600 individuals in 1966, 1,050 in 1985, and 3,000 in 1995 (TEWG 2000).”
3. Seasonal distribution, paragraph 2 – add the sentence, “Juveniles use northeast and mid-Atlantic coastal waters as primary developmental habitat during the summer months.”

4. Seasonal distribution, paragraph 2 – In sentence 3, replace “24 to 30 cm long” with “on average 40 cm in carapace length and weigh less than 20 kg (Terwilliger and Musick 1995)”
5. Seasonal distribution, paragraph 2 – In sentence 4, replace “in July or August” with “in late May and June (Keinath et al. 1987, Musick and Limpus 1997)”
6. Seasonal distribution, paragraph 2 – In sentence 4, remove the citation “(Burke et al. 1989; Morreale and Standora 1989)”
7. Known disturbances, paragraph 2 – In sentence 1, after “particularly shrimp nets...” add “before the implementation of turtle excluder devices.”

## 2.6 Leatherback Turtle

1. First sentence should read “The leatherback sea turtle was listed as endangered throughout its range on June 2, 1970, and status has remained unchanged. Current estimates are that 20-30,000 females exist worldwide.”
2. Seasonal distribution, paragraph 1 – Add a sentence stating “The seasonal distribution of leatherback sea turtles in the North Atlantic waters range from Cape Sable, Nova Scotia south to Puerto Rico and the US Virgin Islands.”
3. Seasonal distribution, paragraph 1 – First sentence is incorrect and should say “...common during the summer in North Atlantic waters from Florida to the Gulf of Maine....”
4. Known disturbance and mortality, paragraph 1 – add sentence stating “Of all Atlantic sea turtles, leatherbacks are the most vulnerable to entanglement in fishing gear, 6,363 Leatherback turtles were caught by US Atlantic tuna and swordfish longlines from 1992-1999, 88 of those turtles died (NOAA Fisheries Service, SEFSC 2001)”
5. Known disturbances – In the second line on page 11, replace “(Crocker, 2003)” with “(NOAA Fisheries Service, 2003)”
6. Known disturbances, paragraph 3, first line – Replace “Approximately 650” with “Approximately 640.”

## 3.0 State Protected Species

1. *4.5 Striped dolphin* – the reference here should be Waring et al., 2000 and not 2001 (this species was not included in a SAR since 2000)
2. Note that when updating harbor porpoise (Section 4.7) for Waring et al., 2003, this species is no longer considered a strategic stock.
3. *4.9 Minke whale* – Page 15, paragraph 2, “Not all incidental catches have resulted in mortality” – the 2003 SAR indicates that, in fact, MOST incidental catches of minkes in fishing gear are lethal.

## Appendix 5.5-A Marine Biological Assessment for the Cape Wind Project

### 4.1 The Humpback Whale

1. See comments from Appendix 3-G, those comments also apply to this section.



2. Page 10 first full paragraph – need to add to the end of that paragraph that sand lance reappeared on Stellwagen and so did the whales (see page 12, top paragraph which began on page 11, last few sentences)
3. 4.1.4 “Known Disturbance...” first paragraph – Should cite some recent SARs (Waring documents) for more recent entanglement information than between 1975 and 1990.
4. Page 13 paragraph 3, last sentence – know should be “known”
5. Page 13 paragraph 4 – Humpback whales in the Gulf of Maine “stock” (add this) become entangled most frequently in gillnets and “trap/pot gear (such as lobster or crab)” (cite Waring et al., 2003 here instead).

#### 4.2 The Fin Whale

1. See also comments from Section 2.2 above, including update Waring et al. SARs.
2. Figure 3 Fin whale sightings – what do the symbols (triangles and plus signs) stand for?
3. Section 4.2.4, p. 19, paragraph 3 – “High swimming speeds may protect fin whales from collisions.” There is no justification for this statement, and the Large Whale Ship Strike Database (Jensen and Silber, 2004) states that fin whales are the most commonly hit whale.

#### 4.3 The North Atlantic Right Whale

1. Page 20, paragraph 1 – suggest saying that North Atlantic right whales are “one of the rarest” of the large whales rather than “the rarest” because, technically, North Pacific right whales are fewer in number.
2. Section 4.3.1, p. 21, paragraph 2 – “NMFS 1991b” refers to the 1991 Right Whale Recovery Plan. This recovery plan was revised in 2001 and is still in draft form. This is a public document and should be cited as the most current information for Right whales. Please update the Right whale text to reflect this current information. The recovery plan can be found at: [http://www.nmfs.noaa.gov/prot\\_res/readingrm/Recoverplans/narwrecplan.pdf](http://www.nmfs.noaa.gov/prot_res/readingrm/Recoverplans/narwrecplan.pdf)
3. Page 21, last paragraph - The first sentence says that “the population of North Atlantic right whales appears to be growing at a very slow rate.” This is not cited, then is contradicted by the last sentence, which says “However, updated reproduction and population data and status and trends modeling indicated that the population was in decline in the 1990s.” Perhaps the wording of the first sentence can be altered to indicate that it was thought, in the early to mid-1990s, that the population was slowly recovering. The “Abundance and Trends” (p. IF) section of the revised Right Whale Recovery Plan has this information and cites.
4. Section 4.3.2, page 23, last paragraph – “Most references show right whales moving from the eastern shores of Long Island...” This needs a reference, similar to a comment made for humpback whales (Section 2.1, comment #1). Mate et al., 1997 (this is cited in this right whale section dealing with Known Disturbance and Mortality Factors) had evidence of satellite tagged right whales traveling through Nantucket Sound.
5. Section 4.3.3, page 24, paragraph 1 – “carangid” copepods should be “calanoid” copepods. Also, do not italicize “sp.” in *Centropages* sp. because it does not refer to a specific species of *Centropages*.
6. Section 4.3.4, page 26, full paragraph 3 – “While entanglement records may not contain enough information to attribute the entanglement to a particular fishery...” Suggest re-



writing this sentence to be “While some entanglement records may not contain enough information to attribute the entanglement to a particular fishery, individuals encounter many types of gear, including traps/pots (e.g., lobster and crab), gillnets, seines, weirs, and cod traps.” Also, suggest removing “actively” from “actively growing” in the last sentence of this paragraph.

7. Page 26, last paragraph – “At least two individuals (Stars and Necklace) were entangled for more than four years...” More recent entanglement information should also be included. You can see the Center for Coastal Studies web site and this link is a summary of the 2003 season: <http://www.coastalstudies.org/what-we-do/whale-rescue/summary-of-season.htm>. This web site also gives information about recent entanglement rescues. Also, “Seasonal and regional restrictions on fishing areas have been proposed...” There are management measures in effect right now by NOAA Fisheries Service through the Atlantic Large Whale Take Reduction Plan (ALWTRP) which include seasonal, time, and area restrictions, as well as gear modification requirements and options to help reduce the risk of entanglement of large whales (not just right whales, but also humpback and fin whales, and minke receive benefit as well). This section should be updated. See the ALWTRP web site at: <http://www.nmfs.noaa.gov/whaletrp/>

#### Potential Impacts on Protected Species

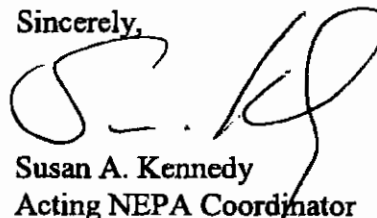
1. Section 5.1.1 – Please state the diameter of the monopiles.
2. Section 5.2.1 – What is an estimate of expected TSS concentration? What impacts are expected?
3. Section 5.2.3, page 42, paragraph 1, first sentence – “has” should be “have”
4. Section 5.2.3, end of last paragraph – Please include more information about the result of harassment. Include information about feeding behavior changes.
5. Page 42, paragraph 2 – See comments above for “If listed whales or sea turtles are present in the Project Area...” Whales do not avoid areas of fishing activity, etc. Also, last sentence “is” should be “are.”
6. Section 5.2.4, page 42, paragraph 2 – “Collisions with vessels moving at slower speeds (less than 14 knots), are less likely to cause collisions (Laist et al., 2001) ....” Need to reword this sentence. Laist et al. say that collision accounts suggest that *serious injuries* to whales may occur infrequently at vessel speeds below 14 knots (p. 58). He doesn’t say that most marine mammals can avoid these vessels.
7. Page 45, paragraph 2 – What level is considered “intense enough?”
8. Section 5.2.9, page 48, paragraph 3 – In discussions of possible dredging, may want to note that there have been documented interactions between sea turtles and dredges.
9. Section 5.3, page 49, paragraph 1 – “These species can detect the presence of barges and tugs...” This should read “These species can likely detect...”
10. Section 5.3, first line – “it is unlikely that substantial adverse effects...” It is necessary to evaluate “any adverse effects.”
11. Page 50, under 3. Possible event: Acoustic Harassment – “Humpback and fin whales seem to acclimate readily to underwater sounds...” Is there a reference for this statement? Why doesn’t this statement include right whales? If there’s no reference, then it should be removed from here and wherever else it’s used in the DEIS.

### 5.2.9 Cumulative Impacts (on Protected Species)

This section deserves a more complete description of cumulative impacts associated with each species, or at least with groups of species (whales, sea turtles). Cumulative impacts must take into account other impacts on species in conjunction with the impacts associated with this project and other projects that are similar to the one being described in the Cape Wind DEIS. The authors must consider the combined effects of all known impacts on protected species. For example, large whales are faced with a variety of anthropogenic sources of serious injury and mortality, such as collisions with ships and entanglements in fishing gear. Right whales also face problems associated with pollution and are probably still feeling the effects that commercial whaling had on their population.

NOAA Fisheries Service will remain involved in the project review as the ACOE responds to comments and develops the FEIS for the process. Should you have any questions about this matter, please contact Jack Terrill at 978-281-9136. Thank you for providing us with the opportunity to comment on this DEIS. We hope our comments will assist you.

Sincerely,



Susan A. Kennedy  
Acting NEPA Coordinator

cc

USACE – Christine Godfrey  
USACE - Karen Adams  
USEPA – Robert Varney  
USFWS - Marvin Moriarty  
USFWS- Michael Bartlett  
F/HC2 - Thomas Bigford  
F/NER - Patricia Kurkul  
F/NER - David Torney  
F/NER2 - George Darcy  
F/NER3 - Mary Colligan  
F/NER4 - Peter Colosi  
Atlantic States Marine Fisheries Commission  
New England Fishery Management Council  
Mid Atlantic Fishery Management Council

# SAVE OUR SOUND

alliance to protect nantucket sound

004032

Colonel Thomas Koning  
Cape Wind EIS Project  
U.S. Army Corps of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742

**Re: Public opposition to the proposed Cape Wind project**

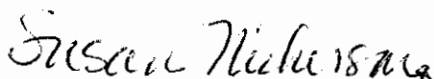
Dear Colonel Koning:

Cape Wind's proposal to construct an industrial scale wind power plant in Nantucket Sound is a highly emotive issue. There is significant public sentiment adamantly opposed to the taking of public land for private profit and exploitation and degradation of a sensitive and valuable ecosystem. It is necessary that those most affected by Cape Wind's proposal have their voices be heard and considered.

Enclosed you will find a compilation of documents showing public opposition to Cape Wind's proposal. The documents include letters to the editor, public testimony, email correspondence, and opinion pieces. You will also find letters to the editor showing opposition to other wind projects. While these letters are not directly related to this project, they illustrate the fact that wind is a highly contentious issue nationally and internationally, and that negative ramifications cannot be ignored. Also enclosed is a collection of information from various wind industry sources highlighting experiences and lessons learned from wind developments in other areas.

We request that these letters be included in the record of the Cape Wind proceedings. Please take these into consideration when formulating a decision on Cape Wind's proposal.

Yours sincerely,



Susan Nickerson  
Executive Director



MARKETING INTERNATIONAL, INC.

February 10, 2005

Governor Mitt Romney  
Commonwealth of Massachusetts  
State House  
Boston, MA 02133

Via Fax # 617/727-9725

Dear Governor Romney:

In follow-up to my letter to you dated December 13, 2004 on the Cape Wind project, I would like to stress the urgency of taking action to forestall the issuance of federal agency approval of the Horseshoe Shoal wind farm project.

During the latest public hearing earlier this week, as I prepared to speak to the Cape Cod Commission, I overheard the Cape Wind spokesman Mark Rodgers bragging to one of the attendees that "we have an air-tight legal case if we get the approval of the Corps of Engineers, because we are in federal waters beyond the reach of the state." It is becoming increasingly clear that the Army Corps of Engineers will approve this high technology project in Nantucket Sound in spite of local and state objections.

As I pointed out in my latest statement at this meeting, we may only have "one solution left" for Massachusetts to gain control of this unfortunate situation; and that is, to take immediate action to move the three-mile-limit line from within Nantucket Sound to a line that is southward of the southern coastlines of the two Massachusetts islands of Martha's Vineyard and Nantucket.

I would like to suggest that you appoint a special task force to undertake the practical steps necessary to redefine the boundaries of state waters that presently bisect Nantucket Sound in spite of the fact that Massachusetts "owns" these two politically-integrated islands as state territory.

Perhaps this idea has already been pursued or is being contemplated by your staff, but - is not - shouldn't it be explored immediately?

Sincerely,

George W. Rich

cc: Attorney General Reilly  
Secretary Herzfelder  
Senator Kennedy  
Senator Kerry



MARKETING INTERNATIONAL, INC.

February 14, 2005

Senator Edward Kennedy  
2400 JFK Federal Building  
Boston, MA 02203

Via Fax # 617/565-3183

Dear Senator Kennedy:

I am writing you today to urge specific action on your part to forestall the issuance of federal agency approval of the horseshoe shoal wind farm project in Nantucket Sound.

I am enclosing a copy of my letter to Governor Mitt Romney urging the same thing with copies to you indicated below. However, I want to add some thoughts to you and your fellow congressional representatives from Massachusetts since the mission is a difficult and urgent one. We need a powerful combination of leaders to win this battle against Cape Wind LLC and their lobbyists in Washington, D.C.

As I pointed out to Governor Romney, it is becoming increasingly clear that the Army Corps of Engineers will approve the project in spite of local and state objections. Unfortunately, Cape Wind organization has had almost three years head start in working with the Corps and the Draft EIS document reveals the high level of the developer's influence in its preparation.

We cannot depend on Mr. Romney and other state leaders to win this battle alone; we must have a strong, bipartisan effort led by you in Washington to prevent this catastrophe. With a precision effort aimed at the three-mile-limit issue that Cape Wind is counting on to block the state's counterattack, we have a chance to move the project out of Nantucket Sound.

I believe we have a strong case to argue that the territory baseline (start of measurement) of the three-mile-limit is really the southern coast line of the two state-owned islands and not the south coast of Cape Cod. I will help prove this case if you will prevail on Governor Romney to create a task force to make this happen.

I will contact you or your staff designate in a few days to see how I can help in this endeavor.

Sincerely,

George W. Rich

cc: Massachusetts Congressional  
Delegation (Kerry etc.)

## PUBLIC COMMENT ON CAPE WIND PROJECT

By George Rich

For the past few months we have all read a wide range of public comments on the Cape Wind project and some of us have submitted statements to the Corps of Engineers in response to their call for comments on their Draft Environmental Impact Statement.

To those of you who see this public debate as a conflict between those who support environmentally sound renewable energy and those who want to protect Nantucket Sound for selfish reasons, I would like to point out that almost all Cape Cod citizens want to support the use of alternative, clean sources of energy like wind power. There is no conflict on environmental issues it seems to me; however, there is a serious conflict over zoning issues. I believe a majority of Cape Codders object to Cape Wind's choice of a location for the first installation of large-scale, industrial windmills in a unique body of water between the Cape peninsula and two politically-integrated islands that belong to the Commonwealth of Massachusetts.

We cannot blame Cape Wind management for recognizing and taking advantage of an anomaly in the obsolete definition of a three-mile-limit line of demarcation between state and federal waters that falls illogically in between the state-owned Cape and the state-owned islands of Nantucket and Marthas Vineyard. In reality, the line should be drawn south of the islands in the same way that it is presently recognized to fall offshore of the Delmarva peninsula and not in the middle of Chesapeake Bay. Likewise it is recognized presently to fall offshore of Long Island and not in the middle of Long Island Sound's body of water. The correct solution to the Cape Wind conflict lies in a successful effort to correct this illogical location of the three-mile-limit line bisecting Nantucket Sound by means of appropriate legal action on the part of Massachusetts and the U. S. Government. We have a strong case for moving the three-mile-limit line southward of the two islands which form an integral part of Massachusetts.

In my letter to Governor Romney with copies to Attorney General Reilly, Senator Kennedy and Senator Kerry and other key officials I have suggested that new federal legislation be introduced that would redefine the three-mile-limit line of state jurisdiction in ocean waters to coastlines without any outward land masses or islands within 50 miles of state-owned land or islands like Marthas Vineyard and Nantucket. This or similar legislation would eliminate anomalies like the one we have in Nantucket Sound and increase the distance between state and federal ocean jurisdictions. The present three-mile-limit rule is clearly obsolete in the presence of twenty-first century technology and the right of states to determine whether they want to allow drilling rigs, wind farms or other physical facilities in close proximity to offshore commerce, recreation and geological treasures or historic areas.

I think it is now clear that Cape Wind management does not intend to seriously consider other land-based sites in New England as alternatives to the Nantucket Sound proposals offshore in shallow waters. The public does not know the facts related to the relative costs of the various sites that Cape Wind may have considered and I don't believe that the Corps of Engineers have these facts either. A careful reading of the Draft document does not reveal a comprehensive analysis of comparative costs of alternative sites in New England. Rather, it concentrates on evaluating the primary site proposed by Cape Wind on Horseshoe Shoal. This suggests that the economics of the Wind Farm depend on "free land" (under water of course) and free wind in order for it to be financially feasible and profitable.

In conclusion, I would like Cape Wind management to answer one simple question; would you be willing to build your Wind Farm of 130 WTG towers on a suitable area of the 15,000 acres of Camp Edwards in the northern portion of the Massachusetts Military Reservation on similar leasing terms now offered to the U. S. Army, the U. S. Coast Guard and the U. S. Air Force? The Commonwealth of Massachusetts owns MMR and presently leases 19,000 acres to these government agencies.

February 8, 2005

Statement given at public hearing  
of the Cape Cod Commission

THE CASE FOR MASSACHUSETTS TERRITORIAL WATERS \*  
IN NANTUCKET SOUND

Currently, the "three mile limit" line is drawn 3 miles southward of the Cape Cod southern coastline to mark the boundary between Massachusetts territorial waters and the federal waters of the United States. Since the islands of Martha's Vineyard and of Nantucket are also part of the Commonwealth of Massachusetts, they presently have a three-mile-limit line drawn around them, as well. This leaves approximately \_\_\_\_ square miles of Nantucket Sound under federal U. S. jurisdiction. Cape Wind LLC has taken advantage of this anomaly in the definition of our state territorial waters, to avoid local and state approval of a power plant utilizing wind turbine generators. To gain control over the waters of Nantucket Sound, Massachusetts must propose new legislation to give the state jurisdiction over all waterways inbetween Cape Cod and the two state-owned islands.

A strong case can be made for drawing the three-mile-limit line south of the southern coastlines of Martha's Vineyard and Nantucket, since the shallow waters of the Sound are not suitable for the passage of ocean-going ships and heavy commercial traffic. There is one 70 foot deep channel that has been used occasionally by cruise ships to visit the islands, but a few years ago the Queen Elizabeth II ran aground in Vineyard Sound trying to exit the area. Making a strong case for removal of the federal waters designation can be done in connection with certain useage classifications that will be illegal in the future. For example, no physical facilities such as power plants, towers and other structures; the only use of fixed physical facilities would be navigation aids and buoys.

The present legal regulations pertaining to the designation of state and federal waters are embodied in the Title 33, Part 2 of the United States Code. From a purely legal standpoint, the state can make a unique proposal that pertains to Massachusetts alone or it can hope to propose legislation to give all states more control over its coastal waterways that might be vulnerable.

\* Note: The key to prevent horseshoe shoal project.



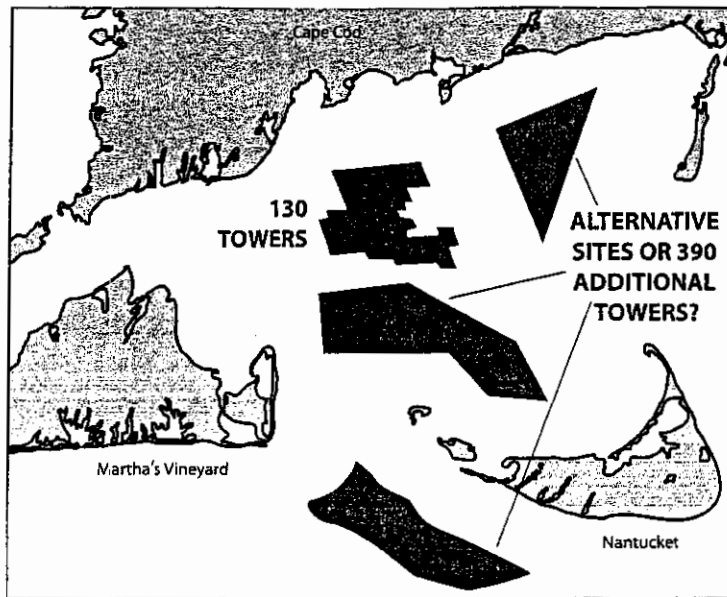
### The Case for Massachusetts Territorial Waters

The state attorney general would seem to be the logical place to investigate the legal questions which might pertain to get this new legislation. On the other hand, a unique Massachusetts strategy involving Nantucket Sound and other territorial waters could be pursued based on the historical and geological evidence that Cape Cod extended southward as far as the two islands when it was formed during the final stage of the ice age 3500 years ago. (See Charts showing the "Terminal Moraine" in Figures 2 and 3) The ice sheet reached its furthest extension southward to form what is now called the Nantucket Moraine; then it retreated to form the Falmouth and Sandwich Moraine somewhat later. As the ice age ended, the Atlantic Ocean rose in height from 300 to 500 feet and flooded the Mashpee Outwash Plain to create Nantucket Sound as a body of water separating the Cape as we know it today from the newly formed "islands" of the Nantucket Moraine. (Fig. 12)

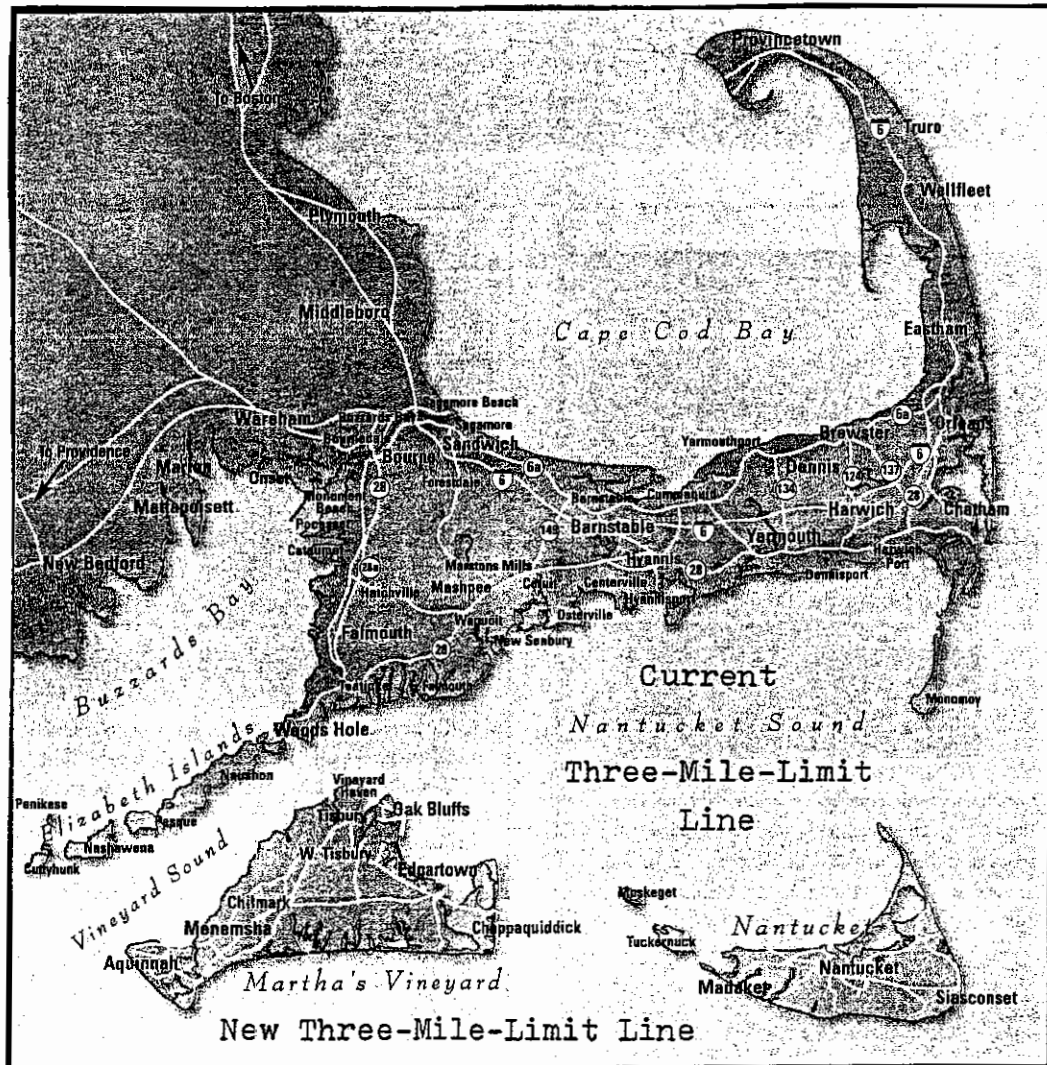
A case can be effectively made that the body of water known as Nantucket Sound is virtually an "Inland Waterway" in the sense that it was formed at the same time as the "Great Lakes" during the "Wisconsin Stage" of the Pleistocene Epoch shown in Figure 2. The uses of the Sound are 90% or more statewide commerce, travel, recreation and fishing with very little access to the high seas. The entire tourist industry of Cape Cod and the Islands depend on the preservation of the scenic, non-industrial use of the Sound. The economic impacts of the proposed Wind Farm were not realistically estimated by the Army Corps of Engineers in their study of the Cape Wind Proposal. The catastrophic result of a 24 square mile power plant with 130 towers initially was not apparent to the Corps of Engineers who were strongly influenced by the Cape Wind management and consultants. A future expansion of the 130 WTG towers over the federal waters, if approved initially, would multiply the disastrous effects of the wind-driven power plant.

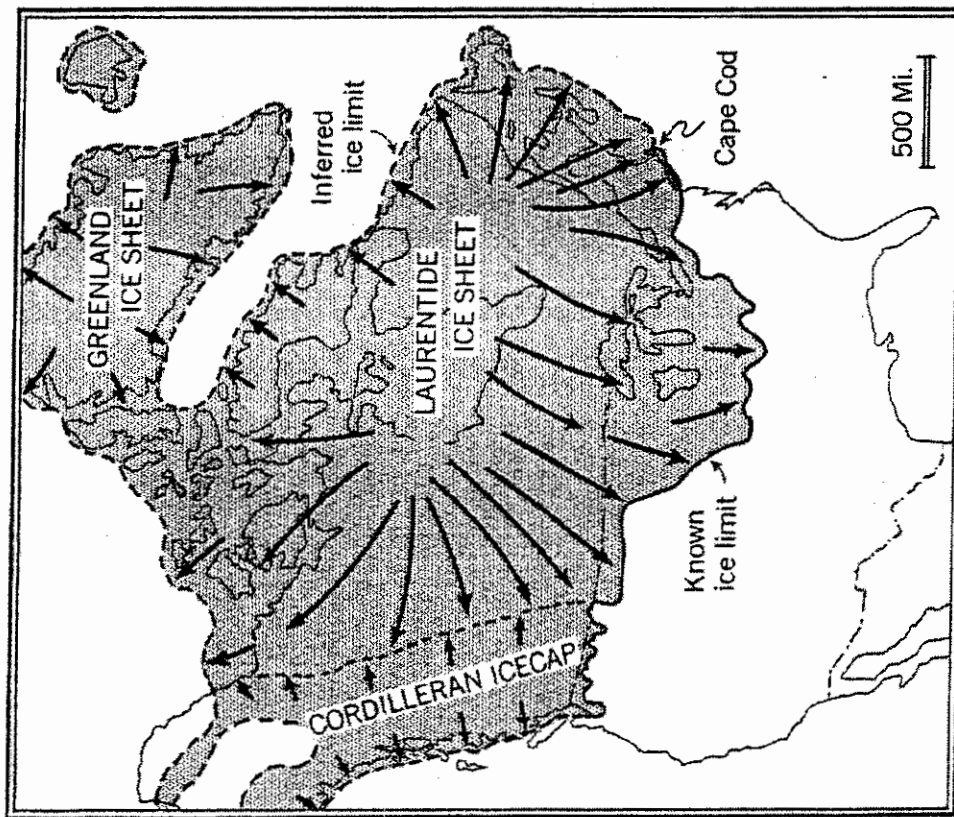
Massachusetts political leaders must seek the most effective way to regain control of Nantucket Sound in the face of the threats posed by the horseshoe shoal project of Cape Wind LLC.

By George W. Rich 2/14/05

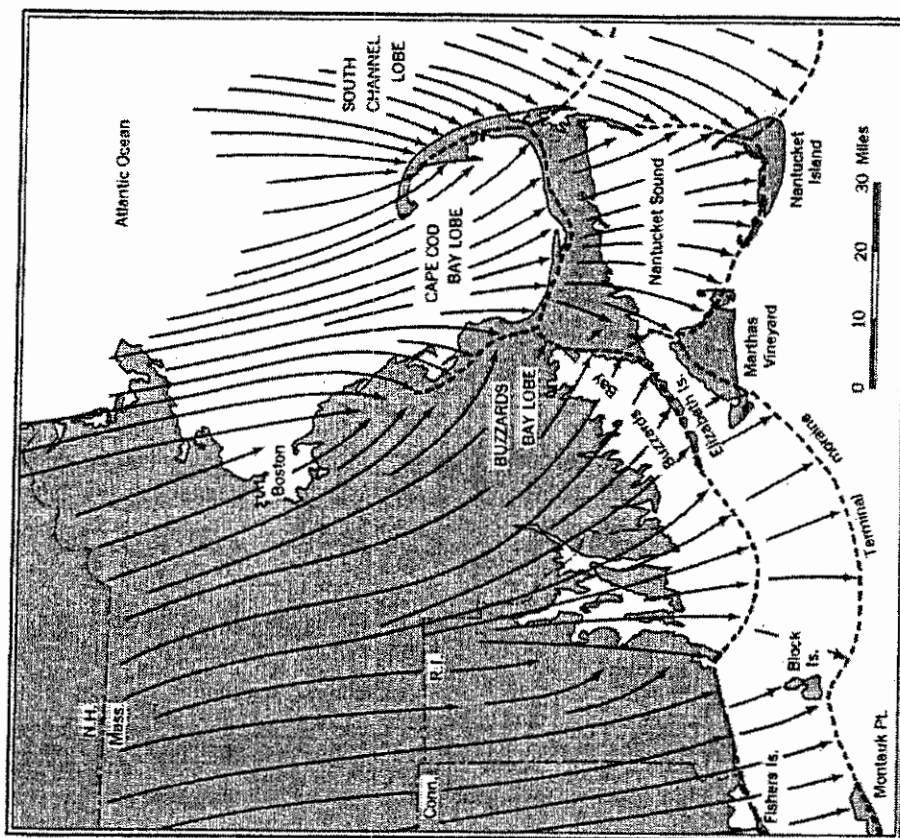


What comes after the first 130 wind turbine towers on Horseshoe Shoal? Another 390 (or even more!) around the Sound, if all sites are built.





2. The shaded area on this map represents the fullest extent of the ice sheets of the Pleistocene Epoch. Directions of ice flow are shown by heavy arrows. Cape Cod lies at the edge of the ice advance. (Based on data of Professor Richard F. Flint of Yale University.)

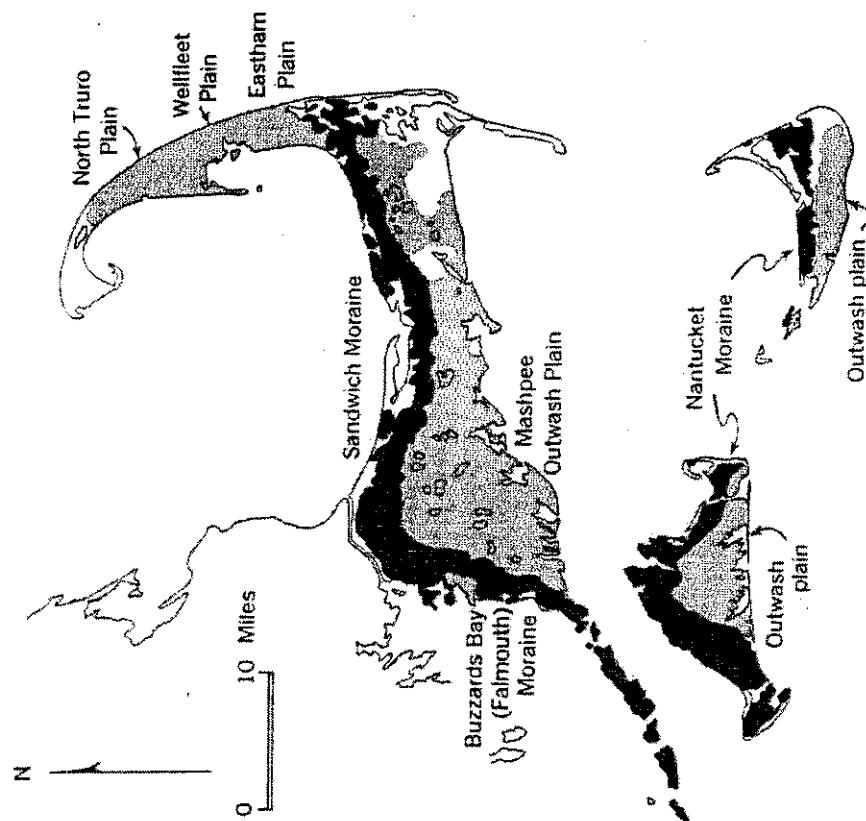


3. This map of southeastern New England shows by arrows the directions of flow of ice of the Wisconsin Stage as well as the two positions of ice stands still (dashed lines). (Based on a map in Woodworth and Wigglesworth's *Geography and Geology of the Region Including Cape Cod*...., 1934.)

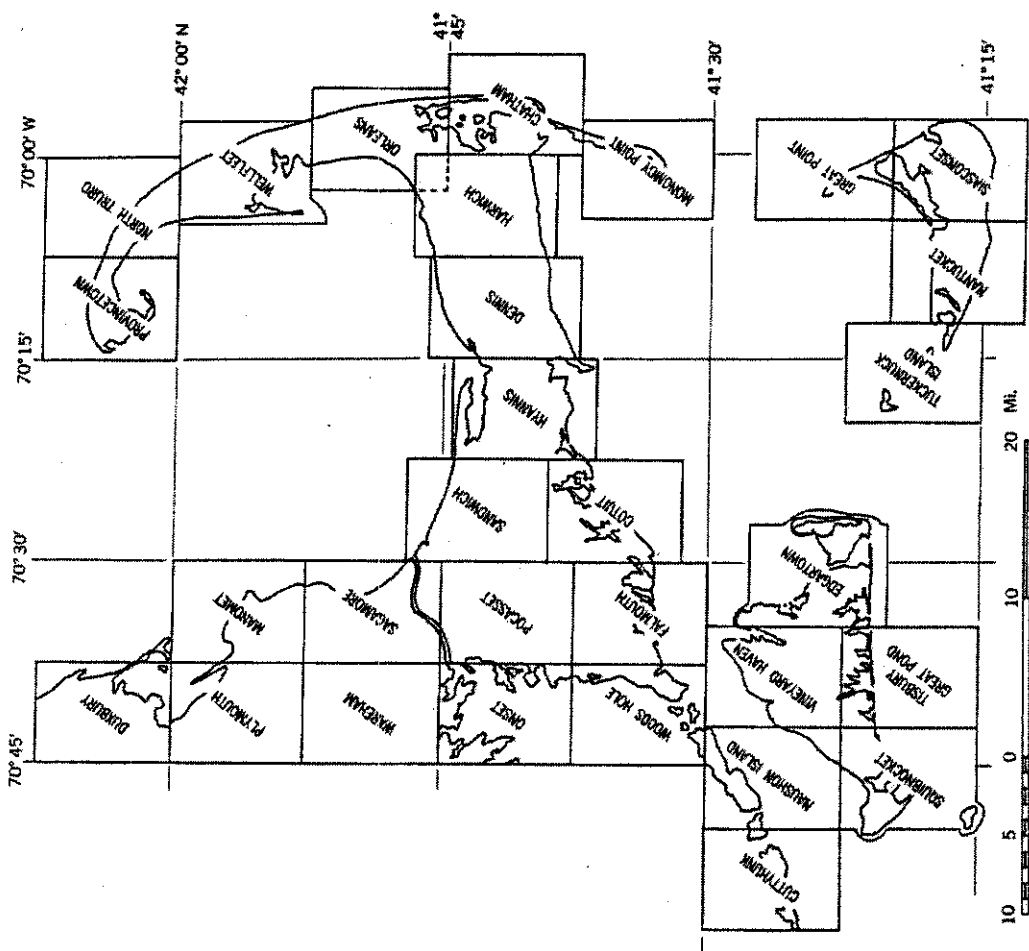
## How Cape Cod Was Formed

17

the Atlantic shore, where it can be seen in the steep bluffs back of Nauset Beach. How much farther the moraine once extended out into what is now the open Atlantic Ocean is not known, for the great waves of countless easterly storms have cut back the land since the ice sheet disappeared. It seems very likely that the moraine continued east for many miles along the margin of the Channel Ice Lobe.



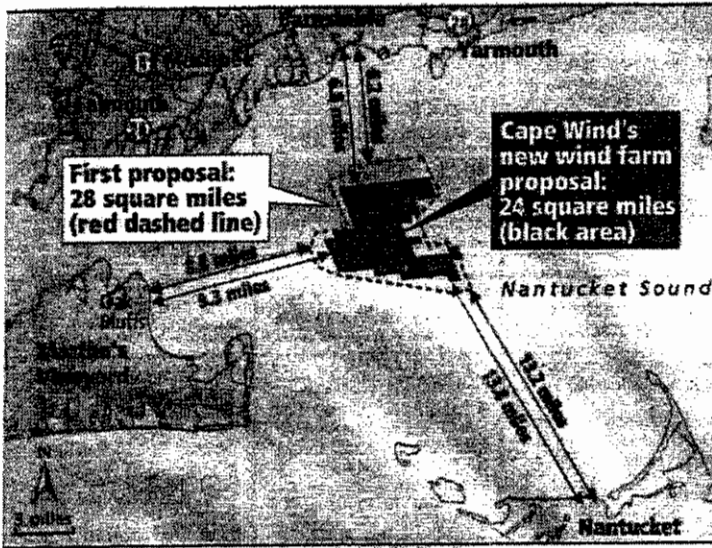
12. Moraines (solid black) and outwash plains (shaded) of Cape Cod, Martha's Vineyard, and Nantucket Island. (Based on geologic maps by Woodworth and Wigglesworth, 1934.)



Index map showing the names and locations of U. S. Geological Survey 7 1/2 minute quadrangles of Cape Cod, Martha's Vineyard, and Nantucket.

(A)

(B)



Source: Cape Wind Associates.

Map by JAMES WARREN/Cape Cod Times

# Developer chose a preposterous site

By GEORGE RICH

I am an investor in entrepreneurial ventures, not unlike Cape Wind Associates, LLC.

My position on the development of alternative energy systems, including wind farms of the kind proposed by Cape Wind, is a positive one. America needs to develop clean, economical and reliable sources of energy.

However, I was stunned when I learned that this particular power generation project was being proposed for installation in Nantucket Sound. Why would an intelligent entrepreneur risk the failure of a worthy project like this by selecting a location that is certain to be rejected by the citizens of New England?

part of the industrial power plant with a "footprint" of 24 square miles in Nantucket Sound and juxtaposed between Cape Cod and the two islands? Not very well or very accurately.

During the second half of my career in the computer industry, I functioned as a management consultant to the industry leaders in the area of business development and marketing strategy. For 22 years, I worked with some of the finest market research and financial analyst sections of Fortune 500 firms, and they were seldom able to anticipate the degree of change in their futures. So, I don't expect that pure statistical and quantitative techniques will give us the answer to this issue.

Of course, it was obvious that this location was chosen to favor all of the factors on which the optimum

cost/performance of the system could best be achieved.

Regrettably, Cape Wind management was willing to risk a public uprising against the project to secure maximum economies of installation and operation.

Taking advantage of the lack of federal regulations and public policy in the area of offshore industrial development, Cape Wind undoubtedly felt that its only hurdle was the Corps of Engineers, operating under the Rivers and Harbors Act of 1899 and the Outer Continental Shelf Lands Act of 1953; the latter extends the earlier laws to cover fixed structures and artificial islands.

The Corps of Engineers' permitting process and draft environmental impact statement, not surprisingly, is a technical review of many potential negative impacts of the technology proposed by Cape Wind and is quite favorable to the project. It lacks an analysis of the major economic impacts on the degradation of the Cape and islands by the wind farm.

You may ask: How can the residents of Cape Cod and thousands of vacationers measure the economic and functional im-

Regrettably, Cape Wind management was willing to risk a public uprising against the project to secure maximum economies of installation and operation.

To simplify this entire question of whether to permit Cape Wind to build the wind farm on Horseshoe Shoal in Nantucket Sound, I

would like to suggest the following logic for consideration:

1. If an economically feasible wind farm can be built in the Northeastern United States and located in a relatively isolated area with little negative impact economically on the surrounding region, then let it be approved.

2. If the proposed site on Horseshoe Shoal is required by the developer to build a viable and profitable electric generating plant, as proposed, and alternative, remote sites prove to be too costly, then face that fact.

3. If the citizens of Cape Cod and the islands want to avoid an economic catastrophe, based on a Nantucket Sound wind farm site, do not depend on the Corps of Engineers alone.

4. Place the primary responsibility for your rejection on the Governor of Massachusetts, our federal government officials (senators/congressmen), and a business/government coalition that will establish the need for a special referendum.

5. Implement the actions taken in No. 4 by submission of a formal request for creation of an official (governor-appointed)

Please see RICH /E-7

(A)

(B)

See (A) Above

See (B) Above



# Rich: Choice of the Nantucket Sound wind farm site raises questions of competence

*continued from E-6*

special commission for the protection of Nantucket Sound and a study of New England coastal policies needed for ocean-based development.

6. Take whatever legal action is necessary in the interim to interrupt the Corps of Engineers permitting process by seeking an injunction from a state or federal court. The existing laws that govern the permitting process are not adequate protection.

I have not cited the many specific problems identified by the public as a result of a gigantic industrial installation just offshore of the Cape. The combined impacts of the wind farm in this critical location are so enormous that it means our decision is a "no-brainer." In order to fully realize how preposterous Cape Wind's choice of the location is, just imagine other locations they might have chosen with equally devastating economic impacts to be expected.

■ Imagine the effect of a 24-

square-mile wind farm in Eastern Long Island Sound off Connecticut.

■ Imagine a 4-by-6-mile wind farm off the Venice, Santa Monica and Malibu, Calif., coast.

■ Or, imagine the Cape Wind project located just off Monterey Bay near San Francisco.

■ Imagine the Cape Wind installation just off Miami Beach, Fort Lauderdale and West Palm Beach, Fla.

■ Last, but not least, imagine 24-square-miles of wind farm in Chesapeake Bay off Annapolis,

Md.

I think it is obvious that highly decentralized power plants of the type proposed by Cape Wind are better suited to land-based installations on remote sites that offer good wind conditions and direct access for construction and operation. The unique characteristics of a modern wind farm compared to a traditional power plant are such that finding a suitable location becomes a major problem. This will always tempt an entrepreneurial developer to seek a controversial and

inappropriate site to achieve a feasible, profitable plant.

If I were a consultant to the Cape Wind management, I would never have suggested or approved of the proposed location on Horseshoe Shoal in Nantucket Sound, nestled in between Cape Cod and the islands. To have done so would have been unrealistic and foolhardy; enough to jeopardize the new venture and discourage investors. Cape Wind has been ill served by those consultants who have picked an "ideal site"

that anyone with New England common sense would reject without a detailed study of the kind just released.

To position a power plant of this magnitude just offshore in the midst of a famous resort area like Cape Cod, Martha's Vineyard and Nantucket is so serious a mistake that it raises questions regarding the competence of the new venture's management itself.

*George W. Rich lives in Oysterville.*

BRIAN F. SHORTSLEEVE  
Chief Executive Officer



Where the land ends  
LIFE begins

CAPE COD LIFE  
PUBLICATIONS

February 1, 2005

Governor Mitt Romney  
Office of the Governor, Room 360  
Boston, MA 02133

Dear Governor Romney,

On behalf of the 250,000 readers of *Cape Cod Life* magazine, I ask you to please sign an executive order that would put a moratorium on the permitting of any off shore wind energy projects coming ashore in Massachusetts with any and all transmission cables and substations required to transmit any power generated off shore.

On Long Island in New York they have held off a Connecticut power line cable from coming ashore for as much as 10 years.

Thank you for anything you can do.

My best,

Brian F. Shortsleeve  
Chief Executive Officer

P.S. Brian Shortsleeve, who has worked in your behalf, is my nephew.

cc: Russell A. Piersons  
Cape Cod Life, President

February 8, 2005

Cape Cod Commission  
PO Box 226  
Barnstable, MA 02630

Dear Commissioners:

The Cape Cod Chamber of Commerce opposes the construction of a wind power plant proposed by Cape Wind Associates (CWA) on 24 square miles of an important public resource situated in an environmental sanctuary.

We object to the lack of clear legal jurisdiction over this confiscation of a public resource which is demonstrably important to the Cape and Islands economy and way of life.

We believe that it is not possible for the developer to absolutely determine that our economy will not be hurt by the industrialization of Nantucket Sound. Our economy is tied to the incredible natural beauty of the place. Even a minimal decrease in business for our 9000 mostly small employers could be devastating. A three percent decline in a tourism & retirement industry that generates \$2 billion annually is \$60,000,000. The developer is asking us to gamble on the topic of economic impact.

We also remain skeptical on the promise of powering most of the Cape's electricity needs, especially when the developer states they plan to sell to off-Cape aggregators. We question the lack of meaningful local benefits of a project that clearly benefits regions beyond our coastline.

What should have been a basic cost benefit analysis of a sporadic, non-dispatchable energy source integrated into a six-state electricity grid set up for millions of consumers has become a public relations exercise. The result is a DEIS report that inflates the benefits of the project as the solution for a national energy policy that is non-existent but yearned for by thousands of Cape and Islanders not fully cognizant of the complexity of a deregulated electric industry.

Our specific concerns about the DEIS are spelled out in the following pages of this letter.



The DEIS utterly fails to address the general operational conditions of the New England electric power grid. Some of the issues that are not addressed are:

- In a region that already exports power, is this really the ideal place for a new power plant?
- What good will additional power do if we cannot wheel it to the Boston area which is presently constrained because of transmission line deficiencies?
- Where is the transmission line study promised by the Independent System Operator (ISO)?
- Who will pay for transmission line upgrades, the rate payer?
- How will this intermittent source of power be integrated into the system?
- Which plants will be cycled down in Southeastern Mass when the wind blows and power is delivered?
- What happens in the bid stack pricing process when the power promised is not delivered?
- With 60 per cent of generation in New England in bankruptcy, will Federal courts allow for undue financial strain caused by this non-dispatchable source?
- The developer forecasts 40% efficiency on new 3.6 mw turbines that have never been used in an offshore setting in this large an array, is this prudent?
- Is there any agreement or negotiation at present with any carbon fuel plant to shut down or curtail their output should the array of wind turbines be built?
- The ISO has been generally silent about this project, would it not be prudent to publicly interrogate this operational entity?
- Why has the USACE not, at least, acknowledged the fact that both the State and Federal Ocean Commissions have indicated no confidence in this process?
- Why is it not important for the USACE to acknowledge that there are no plans for oil fired generators anywhere in the country and that the use of oil is basically a diminishing fuel source for electricity generation?
- Why is there no discussion of long-term performance / engineering history on these prototype turbines and what is their useful life, given the experience in Europe?

These are operational issues of extreme importance that are left out of the DEIS and lead the observer to believe that the developer has drawn a pass on these vital questions.

(Please refer to Section 1.0 of the Executive Summary)

### Section 1.3

We believe that the case has not been made for a utility-scale renewable energy facility that will reduce dependency on non local non-renewable energy sources.

At 30% efficiency 136 mw would be delivered sporadically, possibly during non-peak demand hours when power already in oversupply would be superfluous and excessive. Redundant fossil fuel plants already cycling down may balk at this operationally fictitious exercise.

### Section 1.4 Summary of Alternative Analysis

The key question not answered by this shallow analysis is why a power plant should be located in an area that already exports power presently and in the foreseeable future only uses 50 per cent of the power generated.

This fact, plus transmission constraints and wheeling the power within Route 128 make the whole exercise curious and perplexing. A casual observer could conclude that the Horseshoe Shoal area would be the easiest most profitable place for the developer to build, therefore, this area would be the best place for the 130 turbines. The land is free and there is no local legal jurisdiction.

### Section 1.5 Summary of Proposed Alternatives

#### 1.5.5 Project Overviews

Our problem with this section is the reference that continues the myth that the power will be distributed to users on Cape Cod and the Islands. N-Star, on their latest December 2004 bills to Cape and Island consumers, twice makes the point that ***"Electricity customers in New England are served by an integrated power grid, not particular generating units."***

Further, the DEIS section continues to state that the turbine array will easily allow traditional water sheet uses such as fishing and boating, flying and sailing.

This is potentially absurd and numerous experts from these local communities have testified frequently about the difficulty that this wind turbine complex would present to their endeavors.

Section 1.6 Summary of Environmental Effects

Geology (Section 5.1)

Physical Oceanography (Section 5.2)

No effort is made to evaluate the potential benefits to Cape Cod and Island communities of the sand and gravel existing in the Nantucket Shoals area.

The future beneficial use of this valuable resource to coastal communities would be lost forever to this land grab by CWA. No compensation and no lease fees are even contemplated in this astonishing march towards significant financial gain for the developer.

Benthic and Shellfish Resources (Section 5.3)

Finfish and Commercial / Recreational fishing (Section 5.4)

The DEIS again glorifies anecdotal evidence rendered by proponents from Europe and elsewhere while ignoring the hands-on experience of the Cape Commercial Fishermen Association, the Massachusetts Fishing Partnership, the Cape Hook Fishermen's Association and various recreational fishing groups with real experience. They are adamant that this project threatens their livelihood.

The fishing industry is a significant part of Cape Cod's visitor industry. Our research proves that people come here for a variety of reasons and significantly whether the visitor is a fisherman or not, just the image of the Cape's fishing villages, like Chatham, Harwich and Barnstable are extremely important. The fishing industry is under siege already and it does not need this further threat.

Protected Marine Species (Section 5.5)

Terrestrial Ecology and Wildlife and Protected Species (Section 5.6)

Again, the DEIS does not seriously question the developer's claims. Our answer is that the USACE should listen very carefully to a local respected technical resource – The Center for Coastal Studies (now known as the Provincetown Center for Coastal Studies.)

In their first report, research indicates a rich, varied, marine ecosystem that is vital to a wider and wider circle of marine life nourishment extending beyond even Nantucket Sound.

Their second report, which is about to be released, coordinates these findings and finds more direct connections to a wider circle of marine life in the Gulf of Maine. We strongly believe that the USACE should listen carefully to local scientific expertise, not influenced by the developer's narrow purpose.

Avian Resources (Section 5.7)

We agree with the Audubon Society and other bird experts that insufficient data has been collected on avian species including endangered bird families like the Roseate Tern and the Piping Plover.

A minimum of three years of data should be collected by independent analysts. On the Cape, we close huge swaths of beaches each spring to protect Piping Plovers. No less care should be taken by the USACE in assessing this large industrial development

Cultural and Recreational Resources / Visual (Section 5.10)

At least in this section there is an acknowledgement that certain historic properties on both Cape Cod and Nantucket would be affected by this complex.

The review, however, is limited and does not acknowledge the adverse impact of these huge structures on public beaches on the Cape's south shore. The impact on our visitor industry is reasoned away again by anecdotal evidence gathered from proponents from Denmark and elsewhere. The Chamber's research, which will be referenced in later comments, refutes this notion.

Transportation and Navigation (Section 5.12)

No mention is made in this section of the opposition to the project from ferry boat operators concerned because of their first hand experiences of navigating Nantucket Sound in poor weather conditions. Both The Steamship Authority and the Hy-Line Cruises are opposed to this construction on a very large piece of Nantucket Sound regularly traversed by these companies.

Additionally, the DEIS fails to acknowledge the opposition of the FAA controllers responsible for the safe operation of both commercial and recreational flights in the area. Most of their concerns arise from recreational flights in and out of local airports, considering the 450' height of the structures and the well-known experience of private planes flying at or near these heights in poor weather, especially fog.

This is a serious issue that has been swept under the rug and dismissed by the USACE. The three local airport managers (Hyannis, Martha's Vineyard and Nantucket) however have not overlooked this dangerously potential aeronautic safety problem.

Air and Climate (Section 5.15)

To assume that the project would seriously impact air quality in the region is an assertion without factual foundation.

To begin with, most of our air quality problems come to us on prevailing winds carrying pollutants from the Midwest and the South.

Secondly, and more importantly, there is strong evidence that the intermittent nature of this proposed power source would cause the constant cycling of older fossil fuel plants in Southeastern New England in order to blend this non-dispatchable source of power. This cycling of plants could potentially increase the emissions from plants such as Canal and Brayton Point.

Credible authorities believe that this may happen but the DEIS does not contemplate this probability; again, asserting the developer's claims without rigorous objective investigation.

#### Socioeconomics (Section 5.16)

"All big failures are based on false assumptions". The financial analysis which concludes that ratepayers in New England would save \$25 M annually is an exercise which pictures the operation of this complex industry under perfect conditions. There is no consideration given to conditions as they exist and transitional experience that will change over time.

The facts are that 60 percent of generation in New England is in Chapter 11. Federal bankruptcy courts have uncommon power over financial decisions made by generating units. Because of artificial price CAPS and conditions that have led to the dire financial condition of these generators, it is highly unlikely that a system where a bid is placed by power not deliverable would be allowed to take place. Even if the remedy proposed is that the developer would be financially penalized in these situations, these rules are not in place.

Further, the concept of locational pricing is still under discussion. With strong opposition coming from the Attorney General's office it is not apparent that this proposal will prevail.

In all likelihood, because redundancy is required for this form of energy, the method of selling, in order to satisfy the R.E.P., would be in the form of green credits. This new concept favors the developer and tends to paper over the efficiency of an unstable, unforecastable source of power.

All of these facts, plus the expense of undiscussed transmission upgrades ultimately will lead to higher prices for the consumer.

Finally, this section of the DEIS contains a flagrant attempt at spinning a positive set of economic facts for Cape Cod that defies probability. It is astounding and beyond reason that the USACE parrots economic statistics propounded by the developer without rigorous analysis.

This project will basically be a taxpayer supported endeavor that the developer himself acknowledges could not be built without Federal production tax credits, the renewable energy portfolio standards and accelerated depreciation tax mechanisms.

Furthermore, somehow the original 50 permanent jobs that CWA described is now 154 jobs and the economic changes induced locally are \$40 million; while the astonishing sum of \$2.0 billion would be generated nationally.

The economic story is completely without foundation and when a thorough objective assessment is made, the following facts are quite evident.

- Manufacturing of the turbines will be at GE facilities not located in New England.
- Assembly will be done in Rhode Island.
- Construction labor will come from Unions (Seafarers and Carpenters) not indigenous to Cape Cod.
- The 50 jobs that are permanent will be skilled maintenance workers, possibly trained at GE facilities and ferried to the units from ports not necessarily on Cape Cod.
- Evidence of a burgeoning wind energy economy that will evolve on Cape Cod has no factual basis. It is unlikely that Research & Development activity would take place here since we do not have the engineering talent or the scientific educational institutions to carry out such activity locally.

In summary, however, we remain unconvinced that it can be proved this would not hurt our base economy.

Over the last ten years, the Chamber has led the region in economic development analysis. We have watched our labor force grow to about 125,000 and we have carefully monitored the changes and trends in how our labor force earns a living.

There is no question that tourism, second home owners, retirees, arts, culture and basic services drive our economy. We have tried to attract clean light industry to our area and we remain open to the inclusion of these jobs in our development objectives. We have found, however, that even these high paying jobs usually have some direct connection to our base industries.

The Chamber, with the help of our legislative delegation, has spent thousands of dollars on fundamental research; including the use of survey and focus groups, on what drives our local economy.

Our conclusions are well documented and all signs point to a complex amalgamation of sea, beaches, fishing, villages, vistas, food, cranberry bogs, marshes, arts, artisans, history, culture and independent expression driving our economy.

Page 8

As President Kennedy said on many occasions, "I come to walk the beaches on Cape Cod to think".

There is absolutely no evidence whatsoever that a mammoth industrial complex on a significant source of our way of life would have any beneficial effect on our local economy. This is a fiction promulgated by the developer and surprisingly echoed in the flawed DEIS.

Sincerely,

Wendy K. Northcross, CCE  
CEO  
Cape Cod Chamber of Commerce

Box 134  
Mashpee Ma.  
2/7/05 02649

To The Alliance:

I will be unable to attend  
the February eighth meeting. I  
am 83 and do not drive at  
night anymore, but I do want  
my vote to count if votes are  
needed. I am definitely against  
the windmills in Nantucket  
Sound. There is another place  
or solution for them. It's hard  
to believe that anyone would  
want to put the windmills  
there.

Yours Truly,  
Marie Haynes



**Malia Milligan**

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**From:** Nick and Sandy [sandynick@comcast.net]  
**Sent:** Tuesday, February 08, 2005 11:55 AM  
**To:** malia@saveoursound.org  
**Subject:** Fw: windfarm

----- Original Message -----

**From:** Nick and Sandy  
**To:** pdascombe@capecodcomimission.org  
**Sent:** Tuesday, February 08, 2005 11:40 AM  
**Subject:** windfarm

Please let me add my voice to those who adamantly oppose an industrial energy project ( windfarm ) in the center of Nantucket Sound. I guess the best way in my opinion to frame the argument is to ask the question: would you like a similar project in Yellowstone Park? Acknowledging the fact that it is important to try and increase alternative forms of energy to reduce dependence on fossil fuels, it is just as important to ground rules for the development of offshore windfarms, as has been done for offshore oil and gas exploration, and has been recommended by the Ocean Policy Commission. This is merely a land grab; yes Jim Gordon will be getting our land for nothing, and receive huge tax rebates which again will come out of our pockets with out any policy in place, it is purely an ad hoc project at this point. By that as you know as he is obtaining permission to proceed with his project from the Army Corps of Engineers, based on an 1899 statute which allows the Corps to pass on projects which affect navigable waters. Meanwhile a local and national treasure, by that I mean a pristine recreational located near large population centers and enjoyed by people of all classes will be scarred. There is no shortage of ugliness around us; one only has to drive down rte 28 in Hyannis and Yarmouth to see what unfettered commercial development creates. And who would question the wisdom of preventing the development of a hydroelectric project in the Aligash Wilderness in the seventies and the establishment of the National Seashore on cape cod on aesthetic and recreational grounds. So should Nantucket Sound be preserved as a park or marine sanctuary for similar reasons. Warren Nickerson MD; 24 Hannah Circle; PO Box 248 Cotuit, Mass. 02635  
sandynick@comcast.net 508 428 2085

**From:** Richard Mullin [mailto:[rfmullin@capecod.net](mailto:rfmullin@capecod.net)]

**Sent:** Monday, January 31, 2005 2:29 PM

**To:** Cape Cod Commission

**Cc:** Sharen Davis

**Subject:** FW: Proposed wind farm

Subject: Proposed Wind Farm

Please consider the following when dealing with the Nantucket Wind Farm proposal on Horseshoe Shoal.

(Percentages may be subject to revision pending experimental tower, on Horseshoe Shoal, data.).

- \* The proposed location on Horseshoe Shoal is NOT a prime wind location according to The Wind Atlas of the U S. It is a class 5 out of 7.
- \* Due to wind inconsistency, the wind mills can/will only run 50% of the time.
- \* With the wind mills down 50% of the time fossil/nuclear power plants will have to supply power 50% of the time.
- \* Therefore the conventional power plants must maintain steam pressure, in order to satisfy demand when the wind mills are down.
- \* In simple terms the fossil/nuclear power plants will NEVER shut down. Given this condition where's the pollution advantage?
- \* Granted less fuel will be used, but not 50% less.
- \* Customers (we) will be funding BOTH energy producing plants. Even with some fuel savings I doubt that energy costs can go down.
- \* Environmentalist should be outraged at this industrial proposal. Have we forgotten what happened to the rivers, streams, and bays during the last two century's industrial events? We're still trying to recover from that.
- \* Wind mill technology needs further development, and it's happening rapidly, e.g. 170 mills down to 130 in a few months.
- \* Every effort should be made to place wind mills in the most productive location, a class 7 area. On land.
- \* Maintenance of these wind mills in the Ocean will be very costly, totally dependant on weather conditions, high wind, sea ice etc.

The time has come to make Nantucket Sound a National Marine Sanctuary, please make every effort to achieve that end.

Richard F. Mullin, P.E. 17 Perkins Way So Dennis, MA 02660

[rfmullin@capecod.net](mailto:rfmullin@capecod.net)

4 Plumb Lane,  
Nantuxet,  
Ma. 02554  
Jan. 26<sup>W/S</sup>

Dear Sirs -

I am writing to implore you  
to deny a permit to the Cape Wind  
energy project to install 130 wind  
turbine generators in Nantuxet  
Sound.

It will greatly affect our  
wildlife, our boating and aviation  
safety - but most importantly they  
will totally destroy the natural  
beauty of Nantuxet Sound -  
which is one of the most scenic  
sites in America -

There are many other locations

**Sandy Taylor**

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**From:** Joanne Smith [joanne.h.smith@verizon.net]  
**Sent:** Thursday, February 17, 2005 10:14 AM  
**To:** sandyt@saveoursound.org  
**Subject:** Cape Wind and commercial fishermen

I am writing this from my viewpoint and personal experience. My name is Joanne Smith, I am the wife of a commercial fisherman from Harwich. I deeply resent the fact that the report from the Army Corp of Engineers indicated that there would be no fishing impact if the wind farm construction were to go through. I know my husband was never contacted about his fishing habits nor were the other fisherman in the area that we personally know. They obviously did little or no research to back that so called fact up.

My husband has been fishing in Nantucket Sound off Harwich for several years, not sporadically, but year round. He does quahogging with a small dredge. I am a stay at home mother of three boys, ages 22, 20 and 12. Fishing has enabled us to put our oldest through 4 1/2 years of college at URI, two years of college for our middle son and to save for our youngest's education as well as supporting our family. As you are aware, fishermen have had to be extremely versatile to keep up with all the restrictions and my husband had his ground fish days reduced substantially and switched to quahogging as his main source of income. Quahog fishing in Nantucket Sound has been a constant fisheries for several productive years. His boat is not the only one out there fishing year round. I can't believe the report indicated that no fishermen would be affected. Once again, we are invisible. We don't have the big lobbyists, time or financial backing to push our case. Our lives revolve around the wind and market. I am in hopes you and the rest of our elected officials will realize there are real live people making their living the way fisherman have for hundreds of years. Don't relegate us to the backseat again. I would think pumping up tons of silt and putting it who knows where multiplied several times over is going to ruin the quahogging fisheries and disturb the ecology of the ocean bottom permanently. Add that to the fact that the quahog fisheries may never be allowed again in that area.

An interesting point about the Danish wind farms is:

**No fishing is allowed within either wind farm.** Boats are allowed in, but fishing is not allowed. The speaker said that some types of fishing may be allowed at some point, but there is a risk to the cables with trawling in particular.

Aside from the fishing industry: a friend of ours who is an avid kite boarder checks the wind speed constantly and has said that the wind speeds they give at the model wind tower are usually five degrees higher than the actual readings. It would be interesting to find this out factually. The other little fact about the wind towers is that they ice up in the winter time and can shear off tons of ice sending it flying through the air. The odds are it wouldn't hit anyone out there fishing in the winter, however, it certainly is a frightening possibility to add to the fact that the blades themselves have also come apart.

The bottom line is the person pushing this is a developer do you truly think he's in it for the environment? The environmental angle is simply that, an angle.

A final note, we elected you, believing in your integrity and your ability to speak for all of us. Please help us out and put the wind towers in a less used area and not in an area where thousands of people use it not only for vacations, sailing, and other recreations but also for making their living supporting their families.

Joanne Smith

P.S. Our oldest son is currently making a living with his father, fishing in the sound since completing his URI education.

My name is Edward D. Crosby

I reside in Yarmouth Port

And speak as an individual.

This opportunity has special meaning for me.

68 years ago

I sat in this lecture hall for the first time as a freshman

Ready for physics 801

The claims and arguments you have been receiving

Regarding the claimed environmental impacts both  
harmful and harmless.

Are often little more than educated guesses.

Who knows whether the wind turbine blades

Will kill more or less than an acceptable number of birds

Or will the construction of the concrete towers

Enhance or reduce the fish population, or will the turbines,

seen as a row of 400 ft towers stretching 5 miles on the horizon

from the Barnstable shore result in an unacceptable loss of

property values and summer tourism so vital to the economy.

The applicant can place every conceivable warning light

And sound source on the towers, but he can not be sure

that in a typical Nantucket fog, an off-course private plane

will not collide with a turbine or that small craft

will not crash against a concrete tower.

And, in such an event would the Coast Guard relish

locating and rescuing the survivors?

The environmental impacts of the project are so obviously

Controversial, and possibly real, that the Corps. might be

Well advised to base its judgment on whether a need

for the project has been established.

First and foremost is the fact that there is no shortage of

Generating capacity now or in the immediate future.

If demand on the grid were allowed to grow to equal

The level of available dispatchable generation, the presence

Of wind power adds nothing to generation capacity because

For days at a time there will be no wind.

For the same reason the wind farm can not cause the

Shut down of any existing plant.

Where in the DEIS is there any detailed analysis of the

Manageability of the grid to accommodate the hundreds of

Separate startups and shutdowns which will occur during the year?

I think the applicant owes you, if he has not already,

a complete listing of the periods of inoperability, with the length

of each period. Using the Applicant's web data I found 30 such

periods in June.

The Applicant may have submitted to the Corps calculations of the

dollar value of gas not used while power is coming from wind.

But have you confirmed with ISO New England the kind of

'Spinning' reserve which would be used ? And will it be as

efficient as when generating without wind power?

And how much less efficient will it be than generating

without wind power.

How much did the Corps consult with ISO New England before

Concluding how much gas saving can result from wind operation?

It becomes obvious that the incentive to build goes to the applicant as a result of the subsidies, both federal and state, and the most favorable tax treatment in the form of rapid write off with double declining balance depreciation. Without any of these benefits, it is agreed the applicant would not build.

Indeed activity on wind farm development came to halt in 2004

Until Congress restored the production tax credit at 1.5 cents per kilowatt hour produced

Let it be noted that a modern, totally safe, clean pebble design

Nuclear plant would require only a few acres compared to over

50 square miles for a wind system. And no subsidies necessary.



## LETTERS TO THE EDITOR

Boston Globe  
January 29, 2005

### **Make the wind towers public**

GOVERNOR ROMNEY added a new twist to the wind farm debate when he suggested the towers might find a home in Boston Harbor. There may be a third option that splits the difference between opponents on this issue.

Beyond environmental concerns that appear for now to be negligible compared to the considerable human and financial cost of continuing to rely on coal-fired power plants, the most convincing opposition argument is that this deal represents a huge public land grab by proponents Cape Wind.

Why not create a public utility instead? In California, where many municipalities, including Los Angeles, generate their own power, ratepayers enjoy lower rates and less interrupted power. If Cape Wind wants to locate its towers in public waters, let the public own and control the power.

GALEN NELSON

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Cape Cod Times  
January 27, 2005

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### **Mid-Cape Highway is the spot for turbines**

Just outside of Palm Springs, Calif., on both sides of Interstate 10, there are 3,300 windmills dotting the desert over hills and mountains. What a spectacular sight.

These windmills generate 59 percent of electricity for Los Angeles.

Wind farms are not about saving money for the consumer. They are about our country becoming self-sufficient and saving lives.

I don't like the idea that Cape Wind wants to put the windmills on Nantucket Sound when they can put them right down the center of the Mid-Cape Highway and on each side along the Service Road, and get the same energy benefits for 59 percent of the Cape.

If our forefathers banned electricity because of the ugly poles, where would we be today?

LAVINIA QUINN  
Centerville

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Cape Cod Times  
January 26, 2005

### **Cape Wind isn't being honest with the Cape**

Robert Holt's Jan. 18 My View commentary makes a reasonable argument that opponents of the Cape Wind project ought to work with Cape Wind to forge an agreeable solution to the impasse over this project.

But his suggested approach needs to be a two-way street. Cape Wind has shown no willingness to work with local communities toward such a reasoned outcome.

Fishermen reliant on Nantucket Sound for a significant part of their livelihoods have asked what will happen on Horseshoe Shoal as a result of this project. Cape Wind's answer: The fishing will be better than ever. But gear fishermen who drag nets as far as 1,000 feet behind their vessels know this isn't true. They can't navigate between the forest of towers, so they will be shut out.

Cape Wind isn't being straight with the people of Cape Cod and the islands, and we know it. Jobs will be lost, not gained. Tourism will be negatively affected, not enhanced. These massive towers will not be "barely noticeable on the horizon," as Cape Wind claims, but will dominate it.

Where is the middle road when the developer refuses to acknowledge the truth about this project, and treats Cape Codders like village idiots who can't discern fact from fiction?

KEVIN YORK  
Marstons Mills

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Cape Cod Times  
January 21, 2005

### **Public should own any future wind farm**

I would be interested in a wind farm on Nantucket Sound only if it were owned and operated by the public.

Nothing good happens for the American public unless some private party stands to make tons of money. The whole wind-farm idea is currently driven by the profit motive. Period.

I agree that "buying communities," such as Cape Light Compact, for example, are a good thing. That does not speak to the development of wind energy. My whole point is that the public should be the developer, not some private contractor.

I understand that municipalities have the ability to become power generators for themselves. Perhaps Barnstable, Falmouth and another Cape town farther out are seriously considering installing wind towers to power portions of their wastewater treatment plants.

Let's face it: Energy is a very, very big deal. It should belong to the people. And now is the time proper ownership should be established.

After all, we gave our airwaves away; why give our wind power away, too?

FAITH GAGNE  
South Yarmouth

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### **Wind farm: right idea, but the wrong site**

I am all for the wind farm. We need to start using alternative sources of energy. But I am vehemently opposed to the proposed location. Why ruin a precious part of Cape Cod?

Could the wind farm possibly be built where the current power lines are? Updating new forms of power where the power source already exists seems like an obvious place to begin. It does seem to be one of the highest elevations on the Cape. They wouldn't need to destroy one of the Cape's most limited and beautiful resources, Nantucket Sound.

Let's try to find another location for the wind farm.

PAUL LESCAULT  
West Barnstable

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Cape Cod Times  
January 18, 2005

### **Look to mining to see Army Corps' disdain**

To those who believe we can trust the Army Corps of Engineers to conduct an adequate environmental review of the Nantucket Sound electrical generating proposal, I offer some

excerpts from a press release from the Natural Resources Defense Council.

"The U.S. Army Corps of Engineers has violated a court order halting the agency from allowing coal companies to bury streams with mining waste."

"The Corps has allowed the mining industry to obliterate hundreds of miles of Appalachian waterways. ..."

"The Corps told the court it has authorized at least 22 mining operations to continue to dump mining waste. ..."

"... coal companies blow up mountaintops to access thin seams of coal beneath the surface."

"... after removing the coal, they dump the rest of the rocks and dirt in nearby valleys. These 'valley fills' bury streams under tens of thousands of tons of waste rock and dirt, killing all aquatic life below."

This is a flagrant violation of the Clean Water Act, and contempt of a federal court order. It also shows the extent to which the Corps will allow the destruction of the environment to satisfy a developer, and it is only one of many such destructive projects controlled by that agency. The terms "environment" and "Army Corps of Engineers" - the ultimate oxymoron.

RICHARD CAHOON

West Barnstable

### **Environment analyst would sacrifice Sound**

As evidenced in your Jan. 9 Point/Counterpoint, Arthur Pugsley fundamentally miscomprehends the government's responsibility to protect public trust resources and the problems inherent in the review of the proposed Cape Wind plant.

It is disconcerting to read that a former senior state environmental analyst would so freely give away Nantucket Sound under a century-old law Congress never intended to apply to wind energy development.

Pugsley adheres to his opinion despite contrary conclusions of the U.S. Ocean Commission, the Pew Ocean Commission, the Congressional Research Service, the Department of the Interior, Gov. Romney, Attorney General Reilly, Sen. Kennedy and Rep. Delahunt that the current review program is inadequate.

His admission calls into question the vigor with which the commonwealth's interests were defended during the environmental review process. His complaisance is all the more troubling given that the process is being run by an agency that has confessed its inexperience in this type of development and the failure of the review document to meet basic requirements Pugsley himself set forth in authoring the scope of the state environmental review.

Would Mr. Pugsley be so amenable to sacrificing Nantucket Sound to someone proposing an offshore coal-fired plant, which would be equally permissible under his view of existing law?

CHARLES S. McLAUGHLIN Jr.

Yarmouthport

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Cape Cod Times  
January 16, 2005

### **Herzfelder's stance on wind farm ignored**

In reading your Jan. 8 story about the endorsement of the Cape Wind project by former Environmental Affairs Secretary Susan Tierney, I was struck by how much importance you place on a former state official while completely ignoring the very recent testimony of her successor, current state Environmental Affairs Secretary Ellen Roy Herzfelder.

I was also a bit baffled at Ms. Tierney's representation that the Army Corps' recent Draft Environmental Impact Statement (DEIS) on the Cape Wind project effectively endorses this project. Not so, at least according to Army Corps Col. Koning, who made a point of telling those in attendance at the public hearings that the Army Corps' mind was not made up.

Herzfelder's cautionary note during her hearing testimony should have found its way into your

story. While not opposing the project outright, she notes that the complete lack of planning for developing our offshore resources has created a new "Wild West" mentality that does not serve our collective interests either in the short term or long term.

Ms. Tierney no longer has the burden of serving the commonwealth's needs and seems less concerned about the chaos that would surely ensue if the Cape Wind project gets approved.

SHAREEN DAVIS

Alliance to Protect Nantucket Sound  
Hyannis

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Cape Cod Times  
January 14, 2005

### **Cape Wind bigwigs packing their chutes?**

In reference to your Jan. 6 editorial, "Absence of ethics," it seems to me that you may have inadvertently published the blueprint for Cape Wind's business plan! I will bet that the principal CEOs are already packing their "golden parachutes."

If a former public utility can't make things work as a private enterprise on dry land, what makes anyone in his wildest dreams think that running a utility in Nantucket Sound will turn out differently? Who will be responsible for cleaning up the mess?

HERBERT L. GUMPRIGHT  
East Orleans

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Boston Globe  
January 14, 2005

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### **Naïve to think wind is reliable**

To assert that by developing the Nantucket wind farm [we] would eliminate oil-fired generating stations is naïve at best.

The majority of oil-fired plants are considered base-line units, meaning they run 24/7, 365 days a year. Wind farms only generate power when there is sufficient wind (5 to 25 miles per hour) and therefore cannot be considered reliable for base load operations, as many of us have experienced windless days at the beach. Thus a wind farm will not dramatically reduce our dependency on oil, but in fact will actually increase the potential hazard for a catastrophic oil spill and other devastating environmental hazards during both construction and operations.

*JIM CYR, Boston*

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Marblehead Reporter  
January 6, 2005

### **There's a better choice than wind power**

Is the answer to our Cape Cod's needs to meet growing energy demands blowing in the wind of Nantucket Sound? Cape Wind, a private energy development corporation, and many members of HealthLink, a local environmental advocacy group, would have you believe that a mega wind farm in

Nantucket Sound is desirable. Certainly, the objectives promised by Cape Wind are commendable. But I believe that there are alternatives to a vast off-shore wind farm development that are more cost efficient, aesthetically preferable, would more appropriately benefit families directly, and can be implemented almost immediately.

I would prefer, as an alternative to the wind farm, that a comprehensive plan of policies and coordinated projects be implemented to save or conserve energy. Energy conservation strategies are less expensive than developing an elaborate marine-based infrastructure whose long range viability and economic benefits are uncertain.

Furthermore, I believe our energy policies should discourage the investment of public funds or the allocation of public assets (shore facilities, seabed, etc.) for the exclusive benefit of a private corporation over which the people have little or no control. Rather, I would like to see public moneys made available as grants or low-interest loans to home and business owners to make conservation improvements. Besides, many conservation measures do not require investment, just judicious use of the energy available.

Finally, we could all begin making energy conservation improvements immediately. Suggestions for saving energy and money at home are published by the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy available on the Internet at [www.eere.energy.gov/consumerinfo/energy\\_savers/](http://www.eere.energy.gov/consumerinfo/energy_savers/) and also available in printed form by the Department of Energy at no cost to consumers.

Harold Kramer

Farrell Court

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Cape Cod Times  
January 4, 2005

### **Tourism highest use of Horseshoe Shoal**

The debate over the wind farm centers on elementary land-use economics. It hopes to resolve the "highest and best use" of Horseshoe Shoal.

Were we a Third World country, the discussion might prove that electricity could be produced in an ocean that has no other value. We, however, have a viable economy based on tourism. Tourists literally turn their backs on the Cape and look to our seas for their inspiration and recreation. Our bays and sounds should be preserved for that purpose.

At the Corps of Engineers' hearing in Yarmouth, Karen Adams said that the project will only consume one acre of land. She is essentially correct. Each tower covers 201 square feet for a total of 26,130 square feet. The platform will cover an additional 20,000 square feet. Together they total 1.06 acres. However, these elements are to be exploded over 24 square miles with exponential effect.

Someone must offer a creative alternative to Cape Wind's proposal, and preserve our primary natural resource, the sea.

SHEPARD WILLIAMS  
South Dennis

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Cape Cod times  
December 28, 2005

### **Public had no time to ready for hearings**

Regarding your Dec. 15 report on the Army Corps hearings, the reason the public was largely uninformed about the technical aspects of the 3,800-page Cape Wind Draft Environmental Impact Statement was the timing of the public hearings.

We asked that the Army Corps put off the hearings until January to give the public adequate

time to digest this massive document, but it went ahead with the hearings on their timetable. In the meantime, Cape Wind Associates and the Conservation Law Foundation had the document months before the public saw it and were well prepared for the hearings.

Even the decision by the Army Corps to extend the comment deadline to Feb. 24 is insufficient to give the public enough time to comment on a document that took Cape Wind three years to prepare. What is the benefit of having the public less than fully informed on this project?

MALIA MILLIGAN

Research associate

Alliance to Protect Nantucket Sound

Hyannis

### **Hearings were timed to benefit Cape Wind**

Having attended two of the four hearings on the wind farm, we strongly feel they all were cleverly scheduled by the developer to be held when summer people are not at the Cape, but also at one the busiest of times before the holidays - especially the final session held in the scientific environment of MIT in Cambridge.

Certainly this was strategically done to strengthen the developer's cause!

It is very unfortunate we who live on the Cape don't have a democratic voice by holding an actual voting referendum. These perfunctory hearings were poorly timed to have the least number of people who live here in the summer to voice their opinion on this project.

Finally, it was great to hear Gov. Romney at the Yarmouth hearing speak so forcefully against this endeavor, especially in reference to its circumventing certain necessary legalities and technicalities. Let's hope he consistently continues his opposition, and let's also hope our own Cape Cod senator, Ted Kennedy, will speak out vehemently against this project ASAP!

WOLFE and MARIAN SPRINGER

East Falmouth

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Cape Cod Times

December 26, 2004

### **Utility in U.S. waters immune to state law**

I am concerned about the real need for turning Nantucket Sound into a commercial electricity-generating plant. I therefore was most interested in and read carefully the draft environmental impact report section dealing with the need for the project.

Section 2.2 states the purpose and need as independently determined by the Army Corps is to provide a utility-scale renewable-energy facility providing power to the New England grid. This determination is based, at least in part, on the Massachusetts Legislature's public policy priority through Chapter 164 of the Acts of 1997, "An Act Relative to Restructuring the Electric Utility Industry in the Commonwealth."

If this is the case, is it not true that the Army Corps' need justification based on that statute would not apply to the Cape Wind project, since it is to be constructed entirely outside the geographical confines of the commonwealth of Massachusetts? As it is to be built in federal waters, it will not be subject to the commonwealth, its regulations, its laws or energy policies.

While the commonwealth's energy policies may have an influence on the Army Corps' determinations, they should not be cited as a primary justification for establishing the need as indicated in the draft impact report.

BARRY THOMPSON

Centerville

Martha's Vineyard Times  
December 23, 2004

### **Opposes wind farm**

To the Editor:

This letter was sent to Karen Kirk Adams, Cape Wind Energy project EIS project manager, Army Corps of Engineers:

I write in opposition to the Cape Wind project. The idea of renewable wind power for the generation of electricity is long overdue and urgently needed, but not this project. The supporters are confusing the need for wind power with the wisdom of this project. Up front, I must explain that I am a plain citizen, with no water view to protect, or boat to weave in and out of the impediments proposed.

I believe that the project should be rejected for the following reasons, not in order:

1. The project will interfere with not only small boat traffic, but also the SSA navigation routes.
2. Welcoming industrial development of taxpayer-owned land I find inappropriate.
3. The towers and lights will be, I fear, more imposing than predicted.
4. Elected and appointed government officials urge caution, and delay, pending a comprehensive, rational policy covering such developments.
5. I am not convinced that birds and fish will not be impacted.
- ~~6. The effect upon finfish nursery areas within Horseshoe Shoals is pure speculation, if not wishful thinking.~~
7. Bottom fishermen point out that buried cables seldom are, and perceive a hazard to their livelihood, already stressed.
8. To industrialize a resource such as Horseshoe Shoal is criminal. Other sites must be available with small loss in efficiency.
9. A study of potential damage from an oil leak ought to be done, given our experience and sensitivity.
10. The developer promises cheap electricity but, in reality, must ship his power to the grid. How will that help us?
11. How many similar projects are awaiting your decision, ready to come forward if this project is approved?
12. The developer talks about free power. What about his \$800,000 investment. What is his payback period, and who pays for that?

I believe that both the developer and the government must return to the drawing board before passing judgment on this project.

Please reject this development.

Thank you very much for the opportunity to comment on this ground-breaking project. I believe your decision will have far-reaching consequences, for good or ill.

Robert G. Ford  
Oak Bluffs

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Cape Cod Times  
December 22, 2004

### **Saving Sound akin to Nat. Seashore fight**

Three cheers for those strongly opposing the Cape wind farm monstrosity. How can anyone in their right mind who lives or vacations on the Cape support this project?

Like Gov. Romney says, Nantucket Sound is a national treasure and we must do all we can to protect it. God bless JFK, Tip O'Neill and others who helped save what is now the Cape Cod National Seashore from exploitation and ruin. Nearly a half century later, it is our responsibility to stand up and fight for what's right.

In late September, while relaxing on a beach chair on the spit leading out to Squaw Island in Hyannisport, I thought to myself of the incredible beauty of the site. Living in upstate New York, I have always considered it to be unmatched.

This must be protected, for us and for our children and grandchildren.

JEFF HOWLETT  
Rochester, N.Y.

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Cape Cod Times  
December 21, 2004

### **Wind energy's benefit isn't worth the price**

After following the wind turbine stories for some time, I think the primary benefit of building this power plant (and the benefit is considerable) will be to the companies involved in the actual construction. But after that ...

The amount of electricity promised by this power plant will add only a tiny percentage to the power consumed in the grid. What happens when (not if) there is a fuel spill? If the project should ultimately fail, will we be able to return Nantucket Sound to its pre-industrial condition? Hardly - there won't be any money to pay for it, and much of the damage may be irreversible. The Sound would be pockmarked indefinitely with hundreds of derelict towers.

If wind power is truly the future of energy production, find an appropriate place for it. This wonderful marine habitat should not be sold out for a short-term gain to a small group of individuals.

JOAN BURKE  
Baltimore, Md.

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Providence Journal  
December 20, 2004

### **Don't industrialize Nantucket Sound**



I would like to register my objection to the Army Corps of Engineers' review of Cape Wind's proposal to industrialize 24 square miles of Nantucket Sound.

The massive project Cape Wind proposes is the first offshore wind-energy project this country has faced. Currently, there are no federal laws that authorize the occupation of outer-continental-shelf lands by private developers, or that regulate how and where such development is appropriate.

The federal government must establish guidelines for the review of proposals such as Cape Wind's before any more development takes place. We must develop sensible standards that enable the appropriate federal agency to weigh the benefits of a proposed project against its costs -- which potentially include harmful environmental impacts, negative effects on the affected region's economy, and degradation of an area's aesthetic values.

These public resources belong to all of us, and it is imperative that sensible laws be passed before any projects are approved. Wealthy private developers should not determine how or where the outer continental shelf will be developed. Without an established process by which the Army Corps of Engineers -- or any other federal agency -- can objectively and competently review these proposals, any consideration of Cape Wind's proposed wind plant should cease.

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GEORGE HAMRAH

Marstons Mills, Mass.

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Cape Cod Times  
December 19, 2004

### **Fragile lands no place for oil/gas drilling**

H. Sterling Burnett's Dec. 13 op-ed piece on oil/gas drilling on public lands without harming the environment is misleading and at odds with the reality of oil/gas development in fragile environments.

Before moving to Cape Cod I lived in Louisiana, where oil/gas wells exist in the middle of towns and in people's front yards, since citizens own only the surface and the companies control the subsurface mineral rights.

Oil/gas drilling has exacerbated the loss of coastal wetlands by allowing saltwater intrusion and piling up dredge spoils on the levees adjacent to the access canals. Abandoned wells allow contamination of groundwater layers of potable water from saline layers in the aquifer or provide a pathway for the transfer of toxic contaminants.

A number of years ago I received a video of the Prudhoe Bay oil field from Cook Inlet Vigil, an Alaska environmental group. This was a major industrial development on the tundra and not the benign image portrayed by Burnett.

We may need to expand oil/gas development in the United States, but we shouldn't do it on

fragile public lands reserved for conservation purposes.  
DAVID DOW  
East Falmouth

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Cape Cod Times  
December 18, 2004

### **All who care must protect our waters**

Hey, everybody who lives here - think what is being considered - our waters, so great a part of our history.

Since man appeared here, we have depended on our waters for everything we need - joy, beauty, food, fun, etc.

I beg that all who care come now to protect it all. Please think what is planned for our waters! A wind farm taking up a huge part of it!

Please remember that open bays and oceans belong to us all - to look at, to sail, row, swim or travel over.

Don't make it impossible by stealing what means so much to us all!

ELISABETH EATON CLARK  
Osterville

### **A U.S. energy policy should be a priority**

Most of our politicians' arguments against the proposed wind farm have been dispelled, except perhaps that the back-deck views of their most wealthy supporters may change some. It's time to accept the inevitable and move ahead with the safe regulation of these facilities.

Development of a regional or national energy policy will not move ahead unless our legislators show some vision and backbone. You build wind farms where there is wind, solar collectors where there are clear skies and hydro where there is ample water to build hydro reservoirs.

The December 2004 edition of New England Windsurfing Journal published a wind table showing where the coastal winds from Maine to North Carolina were most consistent over the past seven years. No windsurfer would be surprised to see that Kalmus Beach was the No. 1 location.

A national energy policy with true vision will require all states to develop non-hydrocarbon-fueled energy generation proportionate to each state's usage.

Let's move ahead and lead the way with this cutting-edge approach to a common problem. Let's see some vision from our elected officials in developing regulations that ensure safe power development where the resources exist rather than roadblocks to their most efficient placement.

DAVE PETERSON  
Brewster

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Martha's Vineyard Times  
December 16, 2004

### **Make yourselves heard on wind farm**

To the Editor:

I hope you can stand one more opinion regarding the wind turbine factory proposed for Nantucket Sound. I feel it important that people realize how crucial it is for the Army Corps to receive public

input. According to their paperwork, their decision will be based on an evaluation of the probable impact of the proposed activity on the public interest. Benefits must be weighed by them against detriments and the public must be heard. Therefore, if the Army Corps gets little input regarding detriments, the project may be allowed by default.

Nantucket Sound is probably the least spoiled protected body of water on the whole eastern seaboard. It is a precious natural and national resource. This resource, which belongs to all of our people and is enjoyed by millions each year, should not be given away to a private developer for the erection of an industrial park.

It is clear that this massive turbine factory will dominate the skyline and alter the seascape for not only those of us who live on the Cape and Islands but for all those who enjoy our waters every year. The towers will be visible for 26 miles but will only be 5.5 miles from the Vineyard and even closer to the south coast. Flashing lights will define the towers clearly for us 24 hours per day. A platform 100 feet high will also dominate the view as it is as high as a ten-story building. Proponents say that we are selfish to care about the view, but these pristine views are enjoyed by all those who come to the Cape to enjoy the beauty of this unique body of water, from all over the Country, people from all over the world. It is not selfish to wish to preserve what little man has not already destroyed of our natural habitat. It is, in fact, appropriate to wish to conserve this treasure for our children and their children.

The Army Corps should wait for Congress to develop rules and regulations for development of and protection of waters off our coasts. This proposal is, after all, the first of its kind in our country. Why should we experiment with Nantucket Sound?

Proponents say the turbines will reduce oil dependence. Robert F. Kennedy Jr., lead counsel for the Natural Resources Defense Council, points out that in 1979, President Jimmy Carter implemented CAFE standards for carmakers which resulted in fuel economy improvement for cars of 7.5 mpg. These standards were rolled back by President Reagan in the eighties in favor of big oil and car manufacturers. Today, an eight mile per gallon increase in car fuel efficiency would negate the need for America to import any oil from the Persian Gulf. So, building these turbines will not, as some proponents of the project suggest, prevent future oil wars. We could do that with simple conservation measures. This is doable.

Proponents also suggest that the project would be a first step in alleviating global warming. Conservation will provide the same benefits at no cost to the natural habitat of Nantucket Sound.

Some proponents said Americans will not conserve. Who, then, is selfish? Must some of us drive huge SUVs and heat 15,000 square foot houses? Is it their right to demand the sacrifice of our natural setting we all enjoy so much?

Let us take seriously the concerns of the Steamship Authority and Hy-Line Cruises, both of which feel these turbines may cause navigational safety hazards. Our lives could be at stake. Local air traffic controllers also see safety hazards to aviation.

I disagree with the Army Corp's assumption that only one bird per day will be killed by the 130 turbines, all wielding spinning blades. This is a major flyway for migrating birds, which fly low in fog and are attracted by lights. More professional input on this subject is needed. The sight of migrating birds is a special gift to our existence. We need to co-exist with birds and fish, not destroy them at will.

Some people think the turbines are pretty, some think that Cape Wind would be a friendly neighbor. I respect everyone's opinion, but to me it seems these turbines will look like a cross between a skyscraper mall and an amusement park. There is so much more for us to lose than for us to gain by allowing this project. And as for Cape Wind being altruistic, it is a private company seeking our tax dollars in subsidies in order to make a profit by using our seabed for

free.

Anyone who agrees should take this opportunity to let the Army Corps know how you feel.

Beverly Burke  
Oak Bluffs

### **Keep Nantucket Sound pristine**

To the Editor:

The Monday evening meeting hosted by the Army Corps held at the regional high school should help in continuing the educational process that is unfolding.

The process has explained the following facts:

There exists no valid justification to place 130 wind turbines in Nantucket Sound. No need to despoil a presently pristine, unspoiled area.

Wind power is the most expensive way to generate electricity, because a wind farm is operable only about 40 percent of the time (when the wind blows) and every wind farm requires a backup of a conventionally fired generating station.

New England right now has 30 percent excess generating capacity.

The proposed Nantucket wind farm will provide only one to two percent of the electricity used in New England.

Of all the crude oil imported into the United States, only two percent is used to generate electricity.

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And without the use of federal subsidies which will run into hundreds of millions of dollars, which of course are our tax dollars, this plan to despoil Nantucket Sound would never have been hatched.

Read these six points again, and think them over. These facts preclude the proposal to build a wind farm in Nantucket Sound.

Let's concentrate on producing and processing national energy policy. Let's clean up all emissions from coal-fired generating plants — it's possible. Then we wouldn't have to contemplate "clean" wind power polluting our coastal waterways.

The United States has more reserve BTUs in coal than all the rest of the world has reserve BTUs in oil.

But a comprehensive plan for an energy future is a vital present requirement. Not to be confused by a disjointed, uncoordinated land grab existing in a void of regional or national planning.

Imagine Nantucket Sound sacrificed for the concept of clean power. This arrogance of presuming that a conceived benefit in one narrow area justifies the literal rape of a body of water that long ago should have received the status of marine sanctuary.

This whole project beggars description — that a gentleman could promote it and that the Army Corps could entertain the proposal. All borders on Alice in Wonderland.

Cape Wind—your proposal for a wind farm is in the wrong place. If you must persist, put your

proposed wind farm on Nantucket Shoals—which as you may know extends 75 miles seaward from Nantucket Island. The water is shallow, similar to conditions of Horseshoe Shoal, and install there as many as you like, but don't build any that are visible from Nantucket Island.

And one last and most important point of all. We need to sever the presumed connection between clean air and oil fired electrical generating plants.

There is almost no connection, as only two percent of imported crude oil is used to generate electricity in the United States.

Clean electrical generation is not the problem. The internal combustion engine is the problem. So why destroy Nantucket Sound?

Robert S. Douglas  
West Tisbury

### **Economics against wind farm**

To the Editor:

This letter was sent to Karen Kirk Adams, Cape Wind Energy project EIS project manager, Army Corps of Engineers:

I am writing you with respect to the proposed Nantucket Sound wind farm project with observations, comments, and questions.

First of all, there have been numerous wind farms erected and operated throughout the western mountains and more recently on the plains interspersed with farms. What has been learned by these installations that bears on the proposed shallow-water installation? If there is nothing to be learned from proposed Nantucket installation, and it can only provide one to two percent of New England grid power that will be averaged out, why do it?

It has been stated by several parties and officials that there are not legislative guidelines applicable to natural bays and sounds like Nantucket Sound so why should Corps of Engineers take on a task of preparing an environmental impact position? I say this particularly in light of the ongoing dismantling of several flood control and hydroelectric installations as no longer in the public interest.

If the Corps of Engineers feels it must take an environmental review of Nantucket Sound wind farm, why do you conduct public hearings that allow esoteric discussions such as the Iraq War. The complexity of the world energy equation is sufficient that almost any subject fits, so why not limit commentary to energy generation from a proposed wind farm which is already known not to be significant economically.

The American public has been educated in school systems where numbers are treated as a foreign language so that meaningful discussion of economics of energy in any form is impossible. Hence environmentalists have a field day speaking of their touchy-feely views on anything esoteric at the government's and taxpayers' expense. This also allows peace-niks to offer their views on the way the world ought to be without a clue that the world is tough, dangerous, and not forgiving.

Why doesn't the Corps save us all money, and turn Nantucket Wind Farm project over to the Congress and the administration with a request for legislative guidance. Arguments over the economic feasibility of wind farms can be best handled within more economic environments such as the plains. Wind energy can and has been shown to have merit, but we do not need to destroy the natural habitat of Nantucket Sound

Art Flathers  
Vineyard Haven

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Cape Cod Times  
December 15, 2004

### **Apply Big Dig's lesson to Nantucket Sound**

In light of the recent problems with the Big Dig, I feel it is even more important to stop the construction of the wind plant in Nantucket Sound.

America's first offshore wind plant, especially one of this magnitude, should be vetted properly with appropriate governmental oversight from federal, state and local authorities, as well as from interested civic groups and individuals. Sixty days to pore over 4,000 pages of data and hold public hearings is not enough time for a proper review, particularly during a busy holiday season.

It scares me to think of Nantucket Sound full of steel towers, turbines, and an industrial platform loaded with fuel. The Big Dig is a textbook example of a collaboration of big government and big business gone amok, big time! Let's hope Bechtel does not have a wind turbine division!

The government can redeem itself by doing the right thing on this project - forbid it in the proposed location.

LIZ EAGAN  
Centerville

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Cape Cod Times,  
December 6, 2004

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### **Let no steel forest defile sacred Sound**

I am vehemently opposed to the proposed Nantucket Sound wind farm and I am sick and tired of being labeled a NIMBY.

Put it in my back yard. Put it down the Mid-Cape Highway. But don't put it in our beautiful, historic Nantucket Sound.

We are incredibly blessed with raw, unscathed scenic vistas of natural beauty. Let's not allow an outsider to privately profit from our public property. Let's not riddle our sacred Sound with a steel forest. Cape Codders, unite, and attend the public hearing Tuesday at 7 p.m. at Mattacheese Middle School in West Yarmouth. Let your voices be heard before it's too late and preserve our precious gift from nature for our future generations.

PATRICE FALLON  
Osterville

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Cape Cod Times  
December 3, 2004

### **LNG terminal may be preferred alternative**

A proposal has been put forth for an offshore liquefied natural gas terminal in Long Island Sound.

As an option to a windmill farm, an LNG terminal provides a backup to our future natural gas supply and can also reduce dependence on fuel oil. Fuel gases are preferred, as they produce

less greenhouse gas when they burn. Ideally we want hydrogen, but fuel gases have a low 3-1 ratio of carbon to hydrogen compared with fuel oils, which have a ratio of 5.5-to-1.

Granted that the windmill farm offers many benefits, but how does it stack up to other energy plans that safeguard our future energy needs and also reduce global warming? Comparisons of options such as this are needed by state and/or federal agencies responsible for energy policies before rushing to offshore windmill farms.

PHILIP LEVINE  
Buzzards Bay

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Cape Cod Times  
November 29, 2004

### **What's a wind farm up against China?**

A recent article in the Wall Street Journal notes a global surge in the use of coal. China is the largest user of coal, and this year China will increase production by 11.8 percent to 1.9 billion tons! Other countries are following this trend.

Yet some people still feel the proposed Nantucket Sound wind farm would have a significant impact on emissions and global warming.

China also plans to quadruple its nuclear power generation by 2020.

The Chinese must be sitting back and laughing at the United States spending billions of taxpayer dollars subsidizing wind farms, which disrupt our fishing and shellfishing habitats and endanger boaters and aviators.

KENNETH H. MOLLOY  
Cotuit

### **Even the Army Corps values aesthetics**

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In his Nov. 23 My View column, Brent Putnam derided many of the concerns the public has about the Cape Wind project, including the issue of aesthetics.

He claimed he could argue that when he is out sailing on Nantucket Sound his view of the south Cape Cod coast is ruined by the houses that dot the shoreline.

If he believes that helps justify building a power plant in the center of the Sound, he might be surprised to learn about a U.S. Supreme Court case from 1933, Greathouse et al. v. Dern, that decided the Army Corps of Engineers could deny a permit to build a commercial wharf on the Potomac River. The Corps had taken the position the construction project would, in its own words, "present an unattractive front and a further destruction of great natural beauty." The Corps went on to say, "that the Georgetown waterfront is ugly cannot be used as an argument for creating another similar condition on the Virginia side."

It is encouraging to many of us who value Nantucket Sound, just the way it is, that the Corps of Engineers was concerned with aesthetics as early as 1933 and it still is today.

NEIL GOOD  
Mashpee

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Cape Cod Times  
November 22, 2004

### **Is wind farm report too good to be true?**

What a surprise: The draft environmental impact report on the wind farm bought and paid for by Cape Wind Associates found essentially no negative environmental effect except the loss of 340 birds a year, give or take, and a negative impact on the view of the "historic" Kennedy

compound.

It reminds me of the old adage: If it sounds too good to be true, it usually is. Of course, if the old adage is proved to be true once again, it will be too late for Nantucket Sound.

FRANCES S. PARKS

Marstons Mills

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Cape Cod Times  
November 15, 2004

### **What happens when wind farm goes bust?**

It would seem everything that could be said about the wind farm has already been said, but one subject has escaped my attention.

What happens to it when it is no longer profitable? Whose responsibility will it be to remove it? Will it simply become abandoned like the hundreds of New England mills that became abandoned as their owners moved south?

In the case of the mills, they, at least, could be turned into condominiums or retail outlet stores. I don't see anyone setting up shop on the Sound.

The missile silos from the Cold War became useless monsters in the ground in about 30 years. But these, at least, could be filled in and planted over.

The usefulness of windmills in the sea is entirely dependent on the price of electric power. An economic depression could cause the price to fall below profitability.

I can envision a scenario of Cape Wind's declaring bankruptcy and washing its hands of any responsibility to remove its investment.

The state should require a deposit equal to the present real price of removing the wind farm to the ocean bottom. The deposit's purchasing power should be protected against inflation by using those funds to purchase interest-bearing state bonds.

ERNEST RYDEN

Osterville

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Cape Cod Times  
November 13, 2004

### **Lost views will deny Cape its lifeblood**

The Army Corps of Engineers' draft report on the wind farm contains a major contradiction.

For one, the Corps says while the wind farm will create a visual impact it will not hurt property values and tourism. However, people come to Cape Cod for its amazing views out to the ocean. A large and obtrusive wind farm will spoil these views, thus making people less inclined to visit Cape Cod.

In addition, vacation house owners will lose their million-dollar views to the industrial wind farm. The very thing that caused these houses to be so valuable will no longer be a beautiful. Without their valuable views, these houses will lose value, in turn reducing property taxes, the lifeblood of the Cape's towns.

The Army Corps of Engineers is making yet another mistake with its wind farm review, just as it did in the Midwest with trying to straighten the rivers.

SAM WILSON

Concord

**Alternative energy -yes, but not here**



You further stated that we were doing this because "the wind turbines would besmirch the view from their houses."

To begin with, I don't recall ever meeting Mr. Early -- and I certainly never had dinner with him. I have never met Mr. DuBois either. In fact, I never heard of him until I received the "editorial." And finally -- I don't own any property on Cape Cod or the Islands.

Clearly these are obvious misstatements that you could have avoided with a telephone call or a little research.

But just for the record. I am opposed to these windmills for a number of reasons, not the least of which is that I think they are a taxpayer rip-off. Were it not for the tax subsidy this project would not be feasible and when it lapses (in 10 years) who will inherit this white elephant.

Back to your "editorial." I'm sure you wanted it to be an exciting exposé, but to invent a meeting that never happened is just wrong.

This is a serious breach of journalistic ethics. Haven't reporters and editors been fired for this kind of behavior?

RICHARD J. EGAN

Westboro, Mass.

*Editor's note: Mr. Egan's family has a house in Cotuit, on Nantucket Sound. The editorial said "Messrs. Yearley and Egan have houses on the south coast of Cape Cod."*

*On the dinner question, the editorial said:*

*"It started at a Nantucket dinner party in August, one of those affairs at which the rich and powerful sit down with the rich and powerful."*

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*"No one knows whether Douglas Yearley, former chairman and chief executive of Phelps Dodge, and Richard J. Egan, chairman emeritus of EMC Corp., just happened to have a meal that night [on Nantucket] with Raymond F. DuBois . . . "*

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Cape Cod Times  
October 3, 2004

### **Love of Sound isn't sole province of rich**

We do not own a trophy home on the water. We have a three-bedroom ranch house in Popponessett, which we built more than 40 years ago. We live on Social Security.

We object to the wind farm in its proposed location for the many potential dangers. We want our nine children and 15 grandchildren to enjoy the beach as we have all these years.

We are offended when we hear politicians and others saying that only the rich and famous were against the wind farm. We conserve, recycle, drive a sedan. It's amazing how we brought up nine children with only a station wagon.

DANIEL J. HOFFMAN  
Mashpee

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Cape Cod Times  
October 1, 2004

### **Why destroy one of best beaches in U.S.?**

All summer I read letters to the editor promoting windmills off Craigville Beach. One man from West Barnstable says they are no more distasteful than the buildings now blocking the views from the land.

I disagree. I have been going to Craigville Beach for 30 years enjoying the natural beauty of Nantucket Sound. I don't have a house on the Sound but I don't begrudge those lucky enough to have one.

I am tired of being called a NIMBY - and what's wrong with wanting to protect what you have? Craigville Beach has been voted one of the best beaches in the United States. With windmills that beauty will disappear.

I am not against this alternative form of energy. Having lived with windmills in California and Colorado, I know their benefit, but placement in those states is thought out to preserve the area's natural beauty.

It seems the only reason these developers want the area in the Sound is because it is free to them. They won't have to rent land. They will rake in the money and we may see a 10-cent decrease in our electric bill. Is this a good reason to spoil one of Massachusetts' most beautiful spots?

BARBARA GATES  
Denver, Colo.

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Boston Globe  
September 29, 2004

ELIA GERMANI, chairman of the Rhode Island Public Utilities Commission, should know that writing that the Cape Wind project will "produce up to 420 megawatts of electricity" is misleading ("The Cape wind debate," op ed, Sept. 27).

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Yes, the proposed wind farm could theoretically produce up to 420 megawatts if all 130 turbines were running at the same time and each one producing its maximum electricity capacity. The 420 megawatts is the total maximum rated capacity of all turbines combined. This is definitely not the total amount of electricity you would get 24 hours a day, 365 days a year. Just as your car never runs at its rated horsepower (unless you're trying to kill yourself or burn out the engine fast), no wind turbine or wind farm in the world produces its rated maximum capacity. If a wind farm produces 30 percent of maximum capacity in a year, owners are delighted. Even Cape Wind's website says that its farm's output would only be 170 megawatts, and that figure, obviously, is optimistic.

A maximum capacity figure might sound impressive, but it definitely isn't the amount of electricity the turbines are going to produce.

ROBERT SKOLE  
Boston

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Cape Cod Times  
September 29, 2004

### **Army Corps has no book to work by**

A Sept. 5 article concludes the Army Corps of Engineers "has been working by the book" regarding its analysis of the proposed wind farm.

The problem with this conclusion is that when it comes to an objective analysis of the Army Corps' work on the Cape Wind project, there really is no book, because the Army Corps is reviewing a project it has never experienced before, on a scale beyond any project it has ever

reviewed.

That point was of such concern to the U.S. Commission on Ocean Policy that in its two-year review of ocean policy in the United States it specifically cited the Army Corps as the wrong agency to conduct this review. The commission also noted, as has the Alliance to Protect Nantucket Sound, that the lack of compensation to the taxpayer for the loss of this public resource needs to be resolved before we start industrializing our oceans.

The Army Corps traditionally concerns itself with dredging projects and the construction of piers and docks. There is no book on this project, and the Army Corps should acknowledge the need for a clear federal policy on projects of this type and scale.

SHAREEN DAVIS

Outreach coordinator Alliance to Protect Nantucket Sound

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Cape Cod Times  
September 26, 2004

### **Build wind turbines, and what've you got?**

Got heart? Got soul? Got brains? Don't build a massive wind farm in Nantucket Sound with numerous wind turbines the size of the Statue of Liberty!

Nantucket Sound is devoid of man's selfish structures. Keep it that way!

Got it?

MARY BOYLAN

East Falmouth

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Cape Cod Times  
September 14, 2004

### **There's no shame in being a NIMBY**

Why is NIMBY a derogatory term? People work hard to be able to live in a nice area and enjoy pleasant surroundings. It makes sense to protect it from an obnoxious "wind farm" masquerading as the solution to our energy problems.

People move to Cape Cod for the quality of life. The sea around us and its recreational, aesthetic and employment advantages are a large part of why most of us are here. Why not safeguard that from more than a hundred unsightly wind turbines, each 400 feet tall, whomping away day and night? Turbines that, from all indications, would be built for profit, on land the developers don't own, with money that isn't theirs, utilizing outdated science to produce uncertain results, with no mention of the extensive onshore facilities they will necessitate.

Why not spend the money and effort on fuel cells and solar panels instead of something as old-fashioned as windmills? It's like bringing back the horse and buggy to save fuel.

When you level the NIMBY charge you're accusing those who don't share your views of being selfish. Perhaps they're too wise to be duped by the rhetoric you blindly parrot.

ROGER SAVINO

Osterville

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Cape Cod Times  
September 9, 2004

FRANCES S. PARKS  
Marstons Mills

### **Offshore wind farm an eyesore in Ireland**

I sit here gazing out at phase 1 of Ireland's first offshore wind farm off the coast of county Wicklow. The seven turbines involved are exactly the same make (GE 3.6-megawatt) and the same distance from shore (6 miles) as those proposed for Nantucket Sound.

I understand that there is a lot of controversy surrounding the proposed development off Cape Cod, with mountains of speculation about how visible the turbines will be, whether or not they will detract from the seascape, etc.

Well, I am looking at those turbines from the beach right now and I can tell you they look gigantic. They are highly visible in most weather conditions for miles along the coast and for miles inland. They stand out like a sore thumb, seriously detracting from the unspoilt beauty of one of the most beautiful coastlines in Europe.

Could I suggest that rather than rely on misleading photomontages, your city fathers hop on a plane and see with their own eyes the impact of just seven of these massive turbines? They would then be well equipped to make an informed decision as to whether they want 130 similar steel structures.

I now feel that by building offshore wind power plants close to beautiful coasts we are disfiguring nature in an unprecedented and very serious way.

HELEN DOYLE  
County Wicklow, Ireland

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Cape Cod Times  
August 20, 2004

### **Why wait? Issues are clear on wind farm**

The Aug. 11 My View by Rep. Matt Patrick ("Optimistic, but awaiting wind farm data") emphasizes his and other significant people's inability to understand the issues and inability to make decisions.

Leaders should and must lead by following their convictions and not sit on the fence to test the wind.

Most people are for wind power, but do not put it in the center of an established recreational industry. This industry employs as many as 50,000 people providing an environment of relaxation and play. It benefits many and not just one entrepreneur.

As for saving energy - oil, gas - let's look at our ever-growing fleet of gas guzzlers called SUVs. The wind farm energy savings are not even in the same ballpark.

Our leaders must lead by conviction the protection and of our residential and recreational areas and needs from industries such as wind power.

EUGENE UZPURVIS  
Centerville

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Cape Cod Times  
August 19, 2004

### **Bring national groups into the wind debate**

We agree with your Aug. 8 editorial: Now is the time for local groups to insist the Army Corps conduct a rigorous review of Cape Wind's application to construct a wind facility in Nantucket Sound.

The next step is to share in this important dialogue about Cape Cod's future, and the call to action must include national ocean and wildlife conservation groups.

For two years, SafeWind groups have met locally to promote wildlife-friendly and

environmentally responsible wind energy. We asked the Army Corps to consider what impacts Cape Wind might have on bats. We expressed concerns that the application process has departed from the standards set by law to govern the process.

Our Web site - SafeWind.info - provides information about wind energy, wildlife and the environment to thousands of people across the country. We've repeated our message like a mantra: It's not whether to promote wind energy, but where and how.

The Corps plans to issue the environmental impact statement for Cape Wind in a few weeks. We're ready to stand up and speak, and we need our local and national allies to join us. Readers can help by contacting groups they belong to and asking them to raise their voices in support of wildlife-friendly wind energy.

JESSICA ALMY

Cape Wildlife Center

HEATHER D. ROCKWELL

International Wildlife Coalition

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Cape Cod Times

July 31, 2004

### **Great idea shouldn't be at ocean's expense**

Consider the consequences of another power plant on Cape Cod. I am 14, living in Sandwich, and I know how a power plant can affect a community.

The 24-square-mile area of Nantucket Sound that may soon be sold away to Boston developers is one of the most beloved places on Earth, and certainly the greatest asset to the Cape.

An ocean wind farm would be a tremendous stride in the evolution of environmental protection in the United States, and the one that has been proposed would be the first of its kind in the United States. However, being a sailor, I know how much this proposed power plant would displease the beach/boating community, as it would not only ruin the ocean view, but cause safety hazards.

This is a great idea, but whoever thought it up clearly does not live on Cape Cod, because Nantucket Sound is the last place where it should be placed. It would disrupt our wildlife, ruin our view, interfere with recreation and sorely upset our population.

Please take this wind farm somewhere else.

ANDREW LASSITER

Sandwich

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Cape Cod Times

July 10, 2004

### **Wind energy storage has associated costs**

A June 27 story in the Forum section attempts to equate old-fashioned "wind chargers" employed in the plains before and immediately after rural electrification with wind farms of today.

Wind chargers provided electricity to charge batteries and pump water to a cistern. The modern wind charger that drives a farm or home electric meter backward is using the grid as a bank. The electric grid has no storage capacity, and cannot use wind energy without shutting down other sources.

It is fine to think of how wind energy might be a useful alternative to fossil or nuclear fuels, but wind energy must be stored to be useful as a primary source of electric power. If wind energy is used as an intermittent source of energy to an electric grid, a cost must be included to cover

reduced efficiency of that primary source operating at lower power in addition to wind energy.

An alternative that could provide a net gain from wind energy is the production of hydrogen, a form of stored energy. Iceland is experimenting with hydrogen power, even including automobiles.

The world must explore sources of energy beyond fossil, nuclear and hydro power, but we must not delude ourselves with renewables that can't be practically used.

ARTHUR E. FLATHERS

Vineyard Haven

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Cape Cod Times

July 5, 2004

### **Take steps to expand use of biodiesel fuel**

I have read a number of articles on what we can do to clean up our Earth. In my mind the top priority is to have the Mirant power plant on the canal converted to biodiesel or shut down.

I don't think it should continue generating electrical energy from any fossil fuel. Certainly converting that plant to biodiesel would improve the environment on the Cape more than a wind farm would (assuming the wind farm would provide about 25 percent of the Cape's energy needs).

My wife and I use vehicles that burn biodiesel. In the summer we use B-100 (100 percent biodiesel) and our vehicles are cleaner than some fuel cell programs. The ML-55 is classified as an SUV and the diesel model has a 34 mpg rating. Biodiesel will get the same mileage and achieve the desired reduction in pollutants.

With so many ways to reduce the harm we are doing to our Earth and so few people using them, you have to question the resolve of those who scream for change. Why take half-measures like the wind farm and natural gas when better alternatives are available? Are these advocates just providing lip service to a cause while actively supporting pollution?

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DUDLEY THOMAS

Hyannisport

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Cape Cod Times

June 21, 2004

### **Laws must forestall a wind farm gold rush**

In his June 3 column, Francis Broadhurst references a recent article by Walter Cronkite in which Mr. Cronkite describes the recommendations of the preliminary report of the U.S. Commission on Ocean Policy. Unfortunately, Mr. Cronkite misinterpreted the commission's report, and Mr. Broadhurst failed to double-check his sources.

The commission's recommendation 24-5 states: "Congress ... should enact legislation providing for the comprehensive management of offshore renewable energy development as part of a coordinated offshore management regime." It goes on to suggest the legislation should "streamline the process for licensing, leasing, and permitting" wind farms.

The report stops short of a wholesale endorsement of Cape Wind and other offshore wind developers, but it also advocates the creation of a policy that will allow for such development in a sensible, organized manner as opposed to a first-come, first-served gold rush.

Before we begin to see windmills sprouting like weeds up and down the Atlantic coast, there must be legislation in place for the proper licensing, leasing and permitting of these facilities.

A limited number of wind farms in specific locations is a good thing. Unregulated, case-by-case permitting that allows private companies to exploit public resources for profit is simply wrong.

MICHAEL CONATHAN  
Kingston, R.I.

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Cape Cod Times  
June 16, 2004

### **Nuclear energy is a better alternative**

I am in agreement with James Taylor's assessment that nuclear energy is a better alternative to fossil fuel than wind power ("Wind power: no economic sense," My View, June 7).

Nuclear fuel is a potent energy source. The nuclear energy industry has a good safety record. Energy produced per ton of fuel is very high. The amount of waste material is relatively small; reprocessing it makes a little go a long way and reduces its potential danger. There are means to safely store spent fuel. Next-generation nuclear plants will produce electricity and hydrogen to fuel transportation.

The fickle, diffuse nature of wind and its low energy density make it less than reliable, and there is no way to store excess electricity other than converting it into hydrogen. Even in the "best" offshore location - Nantucket Sound - the amount of electricity to be gained is very small compared with a nuclear plant.

If offshore wind power is going to be significant in the regional energy mix there need be thousands of machines along the coast and further offshore. Wind power combined with ocean wave energy could yield higher output than wind alone but likely would be more expensive still.

JOHN KILEY  
Osterville

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Providence Journal  
June 11, 2004

### **Journal focuses on gossip of wind-farm slurs**

The Journal's May 30 editorial "Alliance of dirty tricks," on the debate over the proposed wind-energy plant for Nantucket Sound, was deeply disappointing. By focusing on the endless mudslinging that has gone on between advocates and opponents of that project, The Journal is ignoring the key issue.

This project threatens the most basic principles of federal environmental law. It would allow a private developer to make free use of a cherished ocean area that is held in the public trust for all U.S. citizens. It would also be the result of an inadequate review process administered by an agency, the Army Corps of Engineers, which admits that it has no expertise in ocean or energy issues. The result would be a damaging precedent, allowing other private developments to occur in the ocean without adequate review or approval.

The recent U.S. Oceans Commission report declares that the Corps's process for making decisions about offshore wind-energy projects is inadequate to protect the environment. The Journal would do well to elevate the debate to focus on that issue, and not lower its reporting to the gossipy and irrelevant back-and-forth between personalities on Cape Cod, which is deflecting attention from the questions that matter.

CINDY LOWRY

Hallowell, Maine

The writer is director of the Oceans Public Trust Initiative.

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Cape Cod Times

June 2, 2004

### **Officials must assess risks to navigation**

The navigation report prepared by Adm. Jack McGowan (U.S. Coast Guard, retired) for the Alliance to Protect Nantucket Sound on the Cape Wind project identifies a range of problems for vessel traffic.

It also considers the worst-case scenario for collisions with wind turbine towers. This worst-case scenario appropriately points out the possible public safety and environmental risks associated with the Cape Wind project - risks that should be considered in any comprehensive assessment.

The report also uses well-established international guidelines as the basis for its conclusions, and points out potential negative impacts from the Cape Wind project: collisions, oil pollution, and anchoring and fishing restrictions.

It is now for the Coast Guard to consider the weight of evidence and make a determination on whether or not the Cape Wind project truly presents an "acceptable level of risk" to commercial and recreational vessel traffic in Nantucket Sound.

SUSAN NICKERSON

Executive director

Alliance to Protect Nantucket Sound

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Cape Cod Times

May 19, 2004

### **Make no apologies; it's about the view**

Cape Wind proposes to place the second largest offshore wind energy facility in the world in the middle of Nantucket Sound. The Massachusetts Ocean Management Task Force and the recently concluded work by the federal Oceans Commission come to similar conclusions about the need for a more comprehensive and thoughtful review of the implications of this project.

I support renewable energy and reduction of U.S. dependence on foreign fuel sources. I support the idea of wind power in terms of reducing harmful emissions. But not in the middle of Nantucket Sound.

Envision what we are talking about: 130 wind turbines, which involve loud whirring, with an above-water profile higher than the Statue of Liberty covering 24 square miles of Nantucket Sound. Cape Wind's advertising slogan, "It's not the view, it's the vision," implies NIMBY-ism on the part of rich folk with waterfront homes.

Well, I make considerable sacrifices to live on this peninsula, where it's tough to earn a living and tougher to buy a house. The "view" so cavalierly dismissed by Cape Wind proponents is exactly why I live here. For readers who feel the same, I urge you to put your voice behind defeating the Cape Wind project. And keep it simple: Just tell them it is about the view. Everyone should be able to look out to where the sea meets the sky and see nothing but sea and sky.

JANICE KINDER

Marstons Mills



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SUNDAY, MARCH 7, 2004

## Cape Wind project would send us packing

**W**hen the Cape Cod Commission Act was passed, I was among those who thought it would give too much control over Cape Cod residents who wanted nothing more than to build or renovate a home and live out their dream of living on Cape Cod. And while I still don't support all of the Commission's work, I have come to understand that what it is really about is a sincere desire to preserve as much of Cape Cod as possible before rampant development and commerce ruin the Cape forever.

What none of us saw coming, though, was the single largest industrial development on Cape Cod that has maneuvered its way through local controls like the Cape Cod Commission Act, municipal zoning and even state controls.

I am talking about the Cape Wind project. Ironically, if ever I choose to leave Cape Cod, it won't be because of the Cape Cod Commission Act, but because of what the Act could not halt - the large-scale industrialization of Nantucket Sound.

Cape Wind CEO Jim Gordon talks about how he's trying to save us all from rising sea levels and air pollution, but his project will simply be one more form of pollution on top of other forms that his project will not mitigate. The Cape Wind project is antithetical to what Cape Cod is all about and it would be enough to send us packing.

**SANDY TAYLOR**  
Yarmouthport

## Wind-power towers could inspire exodus

**C**ape Cod is a very special place as everyone who lives here, visits here and summers here well understands. So, why would a 59 year old resident who loves her home, friends and the Cape begin to think of an exodus to who knows where?

The thought of moving began to enter my husband's and my mind when we heard that a wind power plant was being proposed for Nantucket Sound. The substance of the matter is that a private, for-profit developer is slickly trying to convince Cape residents, Army Corps of Engineers, lobbyists and state and federal legislators that this inaugural energy project is good.

The crux of the matter is that the proposed wind farm is a direct sham, a deceitful attempt and intentional plot of confusion on the part of Cape Wind, the developer, to prevent most of us from seeing clearly and thinking logically.

Do we want to lose Nantucket Sound to industrialization? To have 130 structures looming over the Sound, with each structure being over 400 feet high, and at night strobe lights?

Friends who live near a large, but not as tall, wind land based power plant in Walla Walla, Washington, can see the strobe lights clearly 20 miles away and beyond. A six square block industrial site is considered a blight to an urban environment accustomed to industrialization. How is a rural environment like the Cape and its Sound going to withstand an industrial facility consuming over 20 square miles with more tall structures than all the cities in New England combined? Horns will blow, Nantucket Sound will be blighted, lights will blink throughout the night, sea beds will be drilled 80 feet down, a helicopter platform holding thousands of gallons of oil will be placed in our Sound and is this industrial development with its many negative effects what we as Cape Codders would remain living here to endure?

With all of our accumulated wisdom and with all our love for the Cape, this madness needs to be stopped and relocated to perhaps a more appropriate location far off shore to be tested for its virtuosity.

We will be devastated to move, but if Nantucket Sound is not sacred as a part of the Cape environmental system then we have truly lost.

**JANICE HYLAND**  
Hyannis

# Bigger than Cape Wind

Apr '04

By SUSAN NICKERSON

There is a certain irony in the state's just released ocean management task force final report. The report represents a defining moment for state environmental policy and an opportunity to continue a long history of protection of our coastal areas, reaching back to the early days of oil and gas exploration on Georges Bank. The irony is that the very project that catalyzed the task force, and helped shape its charge, is not addressed in the recommendations.

It was the Cape Wind project – the largest proposed offshore wind energy development in the United States – that led Gov. Romney to assemble the task force in the first place. While the task force successfully raised consciousness about the conflicts facing offshore waters, and set a course for meaningful action, regrettably it balked at addressing current projects, especially Cape Wind.

It is now for the Romney administration to decide how projects in the pipeline are to be held to the meritorious standards articulated in the task force report – particularly protection of the public trust, valuing biodiversity and public participation in decision-making. Only by incorporating the "ethic of ocean stewardship" into the pending Cape Wind permitting process will the task force recommenda-

tions have meaning and integrity. In addressing its charge, the task force states:

"The ocean and its resources are held in trust by the state for the benefit of the public. The task force believes that the oceans are too valuable a resource to continue to manage in an ad hoc and reactive manner."

SUSAN NICKERSON

are too valuable a resource to continue to manage in an ad hoc and reactive manner."

The problem with ignoring current projects is thus twofold. First, set against this backdrop, the Cape Wind project utterly fails the planning test. Second, it's not just about Cape Wind. It's about far larger issues raised by Cape Wind, whose disregard now may have undesirable consequences:

## Offshore wind energy policy:

While comprehensive policies and standards have been developed for offshore wind energy in Europe, and land-based wind energy domestically, the United States is completely devoid of such planning and oversight in the face of an impending boom in this new field of energy development in the marine environment. Massachusetts is the first place to encounter this.

**Hole in the doughnut:** The thorniest issue with the Cape Wind project is that by virtue of its expedient location in federal waters, the state cannot easily apply its own laws and policies that would normally prohibit a facility of this scope and nature. Moreover, left as is, the state faces the unfortunate prospect of not only more wind farms, but other kinds of projects that could occupy other parts of Nantucket Sound. The only federal law arguably dealing with wind energy projects is the Rivers and Harbors Act of 1899, which authorizes the Army Corps to permit navigational obstructions. On this narrow base an entire new national energy program is about to unfold, starting in Nantucket Sound.

**Public trust:** The public's ownership of offshore lands is not valued when a developer assumes to have a right to use the land, particularly without compensation. Massachusetts could spearhead a national program to protect public trust interests in coastal waters. Offshore wind energy development is an imminent use that ought to be addressed quickly and thoroughly by the state.

Again, in a broader context, consider the requirements of the state's renewable portfolio standards, or RPS, established by the Legislature in 1997. Each year, resellers like NStar must purchase

an additional percentage of their electricity from renewable sources (or make alternative payments).

The Army Corps of Engineers has identified three alternative sites in or near Nantucket Sound for the Cape Wind project. It's not necessarily a matter of one site or the other. Several large sites in Nantucket Sound could eventually be developed to meet the state RPS goals.

The handwriting is on the wall. Development of the offshore environment is gathering momentum, and one of the most vulnerable places is Nantucket Sound, where the yawning gap in federal laws and policy beckon all who wait in the wings for the Army Corps of Engineers to issue a permit to Cape Wind.

While the task force recommendations head in the right direction, they are far too timid to address the challenges of the day. Leaving the politically fraught Cape Wind project to an untested state and federal process puts the future of Nantucket Sound unnecessarily at stake. It is critical for the Romney administration to seize the day, and aggressively pursue management of the Sound based on its unique ecologic character.

Susan Nickerson is executive director of the Alliance to Protect Nantucket Sound.

MY VIEW

OCT  
4/23/04

# Windmills don't belong in my church

BY BRIAN Tarcy

I may not be the only person who has ever come to Cape Cod to stare at the ocean.

Although I don't own ocean-front property and I don't expect I will be able to anytime soon, I can certainly imagine it. My dreams are vivid. Because of economics, some may think my dreams don't matter, but they do. I know what I'm looking at when I stare at the ocean. I know.

And it irks me when I hear and read that only fat cats with ocean-front property are against putting a factory in one of the most beautiful spots in North America. There are plenty of fat cats in these parts, folks who think their money

makes them better than others. But that, like much of the argument about a wind farm in Nantucket Sound, is completely irrelevant.

Make no mistake about terminology. This wind farm proposed for Nantucket Sound is a factory. It is a power plant, a driver of the continuing industrial revolution in which industry and, up

mix into some sort of guilt-trip windfall for a business that seems to think there's a way to get rich off of, yes, feelings of guilt.

I love insane people. That's why I agree with a friend's suggestion that if even one windmill is built in Nantucket Sound, there should be a chain of them from here to Europe - each with their own bar, forced to serve free margaritas to all of those who ever stared at the ocean.

My friend's chain of windmill bars most likely won't be built, but I do expect the next proposal by some profit-taking self-proclaimed "conservationist" is to build skyscraper-tall solar panels on the beaches of Falmouth.

As noble as is the concept of clean energy, I dare to argue that it's different here. Am I perhaps, in the bigger picture, actually arguing NIMBY? Well, yeah. But I moved here because of that back yard. You really should see it. It's amazing.

Is this so hard to figure out? This is one of those places - this is our

Yosemite, our Grand Canyon. That's the argument, period.

The peripherals of the argument certainly seem worth considering, and sometimes, as in the case of a now-famous false news release, are even entertaining.

And, yes, there's a lot to think about - bird migration and pollution and saving money and, yes, making money. It all seems important stuff, but frankly, this is a visceral issue.

I moved here 22 years ago to stare at the ocean - and the ocean is not just some fat cat's playground. It's my church. When my heart's been broken, when I've needed answers, it's where I've gone. I know what I see, what I expect to see.

Will I be able to see the same things if there are windmills in the ocean? Maybe. Yet I wonder how many churchgoers would agree to put windmills on the steeple of their church? If I were a litigant, I would sue on religious principle.

As this place becomes too expensive for many longtime residents, folks will have to leave

and that's not fair. But that, like complaining about fat cats, is a different argument.

What's relevant in the windmill argument is the visceral.

There's something out there in the ocean that I can see. And so can you. And it's beautiful.

Is there a way this project makes sense? Sure, if it means the ugly power plant by the Cape Cod Canal is demolished and replaced by flowers and a baseball field. Until the moment that happens, I humbly vote no.

Of course, my non-moneys vote means nothing. I've read about the horrible things that won't happen (pollution, new factories) if the wind farm is built. If it is built, another group argues that other horrible things will happen.

What will happen? Well, for one thing, the view will be different. So, if you can, go stare at the ocean. You should check it out before people who claim to have your interest at heart change it forever.

Brian Tarcy lives in Falmouth.

# THE REGISTER LETTERS 0429-04

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## QUESTIONS CAPE WIND'S RESEARCH

To the Editor:

Cape Wind's attack on the Beacon Hill Institute study which denounced the Cape Wind project was so predictable that it apparently didn't really matter what the study said. Where was Cape Wind's shock and disbelief last year when the navigation study they paid for concluded that there was "an acceptable risk" for boats trying to navigate Nantucket Sound with 130 massive steel towers in their path?

In the previously conducted Coast Guard studies, paid for by Cape Wind, statements were made that were so blatantly false, that as a mariner I found the report a disgrace. While Cape Wind may not like the conclusions reached in the Beacon Hill study, the Beacon Hill Institute is a credible, highly respected organization within Suffolk University and has the academic credentials that Cape Wind's paid-for researchers lack. The Beacon Hill study affirms the reasons nearly every Cape and island town that borders Nantucket Sound are in opposition to the project, as are the respective chambers of commerce and our major elected officials including Sen. Kennedy, Congressman Delahunt, Attorney General Reilly and Gov. Romney.

Cape Wind is misleading the public in many ways. For example, they state that approximately 17 state and federal agencies will be reviewing the wind farm proposal and they tell the public to wait and see the results of the studies. This implies that the studies are being done by our government agencies. The studies for many of these agencies are being performed by consultants who, believe it or not, work for, or get paid by Cape Wind. Cape Wind also implies to the public that we can count on these agencies to stop this project if they feel a need. This is nonsense because potentially only one or two of these agencies have the power to stop this project, if they try.

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Wayne Kurker  
President, Hyannis Marina

# LETTERS

## Cape Wind's blowing smoke

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Wayne Kurker  
President, Hyannis Marina

Barnstable Patriot  
4/30/04

# A flawed process

■ The U.S. Commission on Oceans finds the current process for reviewing offshore wind farms is inadequate.

*This is another in a series of occasional editorials on offshore wind farms.*

Let's assume for a moment that, at the time the Verrazano Narrows Bridge in New York was being built, there was no federal agency capable of reviewing suspension designs or even determining the best site to place its gigantic footings.

Nevertheless, in light of the tremendous need to link Staten Island with Manhattan, the project was allowed to proceed because one federal agency was capable of reviewing nonsuspension bridges.

That's basically what's happening with the government's review of the proposed industrial-sized wind power project on Nantucket Sound.

Last month, the U.S. Commission on Ocean Policy admitted that the current regulatory regime for offshore wind farms is inadequate.

The commission questioned whether the U.S. Army Corps of Engineers is the best agency to issue a permit for the Cape Wind project under Section 10 of the Rivers and Harbors Act.

Section 10 "lacks the management comprehensiveness that is needed to take into account ... other ocean uses in the proposed area and the consideration of a coherent policy and process to guide offshore energy development," according to the commission.

Dennis Duffy, vice president of Cape Wind, argues that the commission does not challenge the Corps' authority to issue a permit under Section 10. He cited a section of the report stating, "in the absence of a specific regime, the U.S. Corps of Engineers is the lead federal agency responsible for reviewing and granting a permit for this activity."

However, Duffy failed to share the very next sentence in the commission's report: "(The Corps') authority, however, is based on Section 10..., which, although it has a public interest requirement, primarily regulates obstructions to navigation, including approval of any device attached to the seafloor."

Further, the commission found, the Section 10 review process "stands in stark contrast" to the well-established regulatory program for onshore wind energy, and in the marine setting, to the robust regulatory program for offshore oil and gas.

"Using the Section 10 process as the primary regulatory vehicle for offshore wind energy development is inadequate for a number of reasons," according to the commission. "First and foremost, it cannot grant leases or exclusive rights to use and occupy space on the Outer Continental Shelf. It is not based on a comprehensive and coordinated planning process for determining where, when, and how this activity should take place. It also lacks the ability to assess a reasonable resource rent for the public space occupied or a fee or royalty for the energy generated."

To their credit, Cape Wind officials have said they would pay fees if Congress requires compensation for towers on Horseshoe Shoal.

But that alone doesn't fix the process. The commission has recommended a new law providing for the comprehensive management of offshore renewable energy development.

Until that is in place, not one wind tower should be erected on Nantucket Sound.

*Cape Cod Times*

5/8/04

# US... the benefits of wind farm

By DANIEL SANTOS

After a 2 1/2-year study of coastal waters, the presidential-appointed U.S. Commission on Ocean Policy has concluded that "our oceans and coasts are in serious trouble" and federal and state agencies aren't up to the task of preventing degradation.

Cape Wind, developer of the colossal 130-turbine energy plant proposed for the middle of Nantucket Sound, has dismissed the findings! That position is a rare misstep for the public relations machine that is spending enormous sums of money to persuade Cape Codders that its project provides some benefit to those of us who make this treasured peninsula our home.

Cape Wind's position on the commission's report is a rare glimpse into the heart of this developer: This project is a business venture with the single-minded goal of providing profits for investors. The perceived benefits are no more than a white wash thinly covering the true motivation behind their proposal. This developer is an opportunist (some would say good businessman) who is exploiting a natural resource, a regulatory loophole and a political climate for his own gain.

Have you wondered why Cape Wind has refused to release the pro forma, details of how the numbers add up? I suspect that the reason is that his individual gain far exceeds our collective loss. If I am going to have any comfort level with allowing the use of a public resource for private gain, then I want all the cards on the

Please see **SANTOS IF-6**

Daniel Santos of Cuminaquid is the husband of Susan Nickerson, director of the Alliance to Protect Nantucket Sound.

*[Handwritten signature]*

# Santos: Individuals' gains far exceed community's benefits

continued from F-1

table. We must have full disclosure.

If this proposal is permitted, a pristine resource that has drawn residents and visitors for centuries, undeveloped, since its creation more than 10,000 years ago, will be lost forever. What will we have to show for it?

Well, I know what we won't have to show for it. Cape Wind will not measurably reduce this country's reliance on foreign oil. We would have to build tens of thousands of wind turbines to do that, literally lining our coastlines.

That which does have the potential to significantly reduce

our reliance on foreign oil is reducing energy consumption through conservation. Conservation has been proven to work and to save ratepayers money in the process.

Cape Wind's proposal will not measurably improve the air quality of Cape Cod and the islands. The majority of the air quality problems that we have are not the result of our own local activities. It's a known fact that our air quality problems are caused by pollution produced in the Midwest that rides the air flow patterns to plague us. This proposal will not stop the generation of air pollution that we breathe.

The Cape Wind proposal will not significantly reduce the price of electricity. In fact, recent studies have suggested that this project is not economically viable if heavy government subsidies dry up. It is actually possible that this proposal could end up increasing our local cost of electricity.

We all know the intrinsic benefits of an unspoiled Nantucket Sound. Just think of Cape Cod and what vision fills your mind? I would be willing to bet it's a panoramic view of a clear horizon over a sparkling ocean from a fine sand beach. We need to make sure that vision doesn't become a memory.

*Cape Cod Times*  
5/9/04



## Critics: Cape Wind's experts full of hot air

By Cosmo Macero Jr.

Recent Columns by Cosmo Macero Jr.

Sunday, May 9, 2004

*Boston  
Herald*

**M**ore people are starting to ask: Who's running the show when it comes to reviewing plans for 130 wind turbines in Nantucket Sound?

Is it the Army Corps of Engineers? Or millionaire Jim Gordon's Cape Wind Associates?

Because it's getting harder and harder to tell one from the other.

First the Corps of Engineers tapped California-based TRC Environmental to explore "alternative" sites for the project. The problem: TRC specializes in speeding wind energy projects through the permitting process.

Despite assurances from Gordon that TRC has "no financial interest in Cape Wind whatsoever," there doesn't appear to be any prohibition on the company seeking lucrative consulting work if the project gets a green light.

Now the Corps looks to be taking its cues directly from Cape Wind when it comes to the scope of the alternative-site analysis.

And a report commissioned by the Alliance to Protect Nantucket Sound - the chief opposition to Cape Wind's project - suggests Gordon's company is leading the federal agency by the hand.

In a legal analysis submitted to the Corps by Cape Wind, the company argued that its own commercial goals should control the scope of the inquiry into alternative sites.

And by the look of things, the Corps is adhering to that very principle.

In preparing a required environmental impact statement (EIS) and menu of alternative sites, only the needs of "commercial scale" or "large scale" projects will be considered by the Corps and TRC Environmental.

Cape Wind "has been allowed to play an extensive role in (the review process). It has not been separated from EIS policy and legal decisions, as is the standard practice . . . when a private applicant is involved. In addition, the EIS contractor is (Cape Wind's) permit advocate," the Alliance report says. "No action has been taken to screen (Cape Wind) from the work of the EIS contractor so as to avoid undue influence. As a result, the (review) process has been fundamentally compromised."

Either the rules are being bent, or just made up as this thing moves along.

And even the wealthy elites financing the Alliance to Protect Nantucket Sound deserve better than that.

public to wait and see the results of the studies. This implies that the studies are being done by our government agencies. The studies for many of these agencies are being performed by consultants who, believe it or not, work for, or get paid by, Cape Wind. Cape Wind also implies to the public that we can count on these agencies to stop this project if they feel a need. This is nonsense because potentially only one or two of these agencies have the power to stop this project, if they try.

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We need your help to stop this project. We ask that you continue networking with your friends, attracting new people to our cause and participating financially by donating to the Alliance to Protect Nantucket Sound. Visit our Web site at [www.saveoursound.org](http://www.saveoursound.org), where you will learn the facts and can take appropriate actions to Save Our Sound now.

Wayne Kurker  
President  
Hyannis Marina

### **Cape Wind is misleading the public**

Nearly every Cape and Island town that borders Nantucket Sound is in opposition to the proposed wind turbine project, as are the respective Chambers of Commerce and our major elected officials including Senator Kennedy, Congressman Delahunt, Attorney General Reilly and Governor Romney.

Cape Wind is misleading the public in many ways. For example, they state that approximately 17 state and federal agencies will be reviewing the wind farm proposal and they tell the

*The Barnstable Patriot June 18, 2004*

OCT 7/21/04

## MY VIEW

# Windmills threaten boat, plane safety

By WILLIAM RYPKA

I would like to take this opportunity to voice my strongest opposition to the proposed wind farm in Nantucket Sound.

As both a retired U.S. Coast Guard helicopter pilot and current professional pilot on Cape Cod, I view the proposed wind farm as an extreme hazard to aviation.

As a Coast Guard search-and-rescue helicopter pilot, I have flown numerous searches in the immediate area of the proposed windmill location. The most notable of these was a search for a sailor who had fallen off his sailboat on July 20, 2002. We conducted searches throughout the night for him in the exact area of the proposed wind farm.

Had they been in place, there is no possible way a safe search by helicopter could have been conducted, much less the person rescued. Our searches were conducted at an altitude of 100 feet, much less than the height of the proposed windmills.

Another case involved the res-

cue of a woman whose boat sank in the same vicinity. The survivor had been in the water more than 12 hours; she was extremely hypothermic, greatly weakened and barely able to stay afloat. She needed immediate medical attention.

We were able to complete a successful hoist and transport her to a nearby hospital. Had the windmills been there, this survivor would have had to wait for a small boat to attempt a transit through the windmills and then transport her to the mainland. This delay could have been lengthy and, I believe, would have surely resulted in the loss of life.

Additionally, there have been at least two cases of planes ditching in the vicinity of the site within the past 12 years. At least one was a successful ditching, with the pilot rescued by a passing boat. Had the windmills been there, the plane would have very possibly hit one of them.

When the engine stops on a single-engine airplane, the pilot has few choices of where to go. When small twin-engine air-

planes experiences an engine failure, most have a limited ability to maintain altitude and maneuver, depending on how much weight they are carrying.

Given the large amount of both general aviation and commercial air traffic between the mainland and Nantucket over the proposed site, an aircraft experiencing an engine failure would face the real possibility of hitting the windmills.

Also, within recent years, numerous vessels have grounded in the vicinity of the Cape and islands, among the most notable the Queen Elizabeth 2 in 1992. Even with a professional crew and modern navigation, this vessel ran aground in an open area that did not require precise navigation.

Given the proximity of the proposed site to the shipping lanes within Nantucket Sound and the Sound's confined area, the potential for a collision with one of the windmills is huge.

Many days the fog in the Sound limits visibility to zero. If professional crews with state-of-the-art navigation can make mis-

takes when no fog is present, I have to believe pleasure boaters without radar or a global positioning system that transit the Sound present a real potential to strike one of the windmills.

There is an extremely large amount of vessel traffic in Nantucket Sound during the summer months, and much less during the remainder of the year. Currently, if there is a mistake in navigation in the area, the worst that will happen is the vessel may possibly run aground on a sandy bottom. With the windmills, there is a very real possibility of sunken vessels and loss of life.

Please take a close look at both aviation and vessel safety; the windmills present a very real threat to both. The loss of one life through the development of the windmill site does not justify any estimated or perceived gain.

I truly believe in alternative energy, but this is not the proper site for it.

*Lt. Cmdr. William H. Rypka of Sandwich is retired from the U.S. Coast Guard.*

## Consider the options

To the Editor:

I'd like to start by asking you to consider the consequences of another power plant on Cape Cod. I am 14, living in Sandwich, and I know how a power plant can affect a community. The oil plant in Sandwich provides power for the entire Cape and Islands, but at a cost; residents of Sandwich and Bourne must look at the tall, ugly, industrial factory-style smokestack nearly every time we look out the window, bringing to mind images of 19th century mills and factories. But here on our supposedly pure, uncontaminated, picturesque Cape Cod, which so many love and so many more can only dream about, we hold the prospect of yet another plant, yet far more prominent by comparison. The 24 square mile area of Nantucket Sound that may soon be sold away to Boston developers (specifically an organization which has named itself Cape Wind) is possibly one of the greatest, most beloved places on Earth, and certainly the greatest asset to the charm and reputation that has made Cape Cod such a popular place.

An ocean wind farm would be a tremendous stride in the evolution of environmental preservation and protection in the United States, and the one that has been proposed would be the first of its kind in the USA. The proposed Nantucket Sound wind farm would help alleviate the strain for power from the Canal plant. It would create power by much cleaner, more earthly efficient, less polluting means. It would be a "guinea pig" of the United States newest attempt for environmental cleanliness. However, the idea that it would be environmentally friendly is, while not a bad concept, unreal.

The plan for the farm would put 130 enormous, 417-foot tall wind turbines in the middle of the Cape's most cherished treasure, violently disrupting the

environment which would be most noticeably affected, the human environment. At 417 feet, 100 feet taller than the Statue of Liberty, each turbine would be the tallest in the world and visible from every Nantucket Sound coast, with costs for the project potentially reaching \$750 million. The wind generators would virtually turn our precious Nantucket Sound into an industrial park, which brings about the fact that that which is actually at stake here is the auction of the sea floor... where will this bring us to in the future? Logic would tell us that this would mean that the sea floor, and the water surface and everything above it, is property for sale. I may be young, but I can remember a time not long ago when the ocean

was not for sale, and the horizon wasn't just something to be looked at between turbines. The plant would contain over 50 thousand gallons of hydraulic oil, and stand in the way of not only ship and plane navigation, but also in the middle of the Atlantic Flyway, a channel of bird migration over Nantucket Sound, posing a major threat to birds flying over the propellers. The power generated by this wind-powered plant would be funneled through an electrical substation, also built in the middle of the Sound like some sort of neighbor-

hood oil rig. Cape Cod's tourist industry, which for so many who live here year-round is absolutely essential to their livelihood, would suffer tremendously from what I would assume most would view as the Cape's loss of innocence, its mystique and naturally untamed landscape lost upon the creation of some monstrous industrial windmill atop the very epitome of the Cape's natural beauty, Nantucket Sound.

Being a sailor, I know how much this proposed power plant would displease the boating and beach community, as it would not only ruin the ocean view, but cause severe safety hazards. On a clear day, the turbines would be visible from shore. What is the Harbor View Hotel in Edgartown to be

called with giant propellers visible, and possibly audible, from the distance, the Turbine View Hotel? This wind farm is a great idea, but whoever thought it up clearly does not live on Cape Cod, because Nantucket Sound is the last place in the world that it should be placed. It would leave our: Wildlife disrupted, view ruined, recreation interfered with, economy badly damaged, and our population very sorely upset. To those who wish to build this wind farm, good luck, but please, please, take it somewhere else, anywhere else. Because if it is built, no Cape Codder in their right mind will be pleased with it. And yet I will be welcoming. Welcome to Cape Cod, population: Furious. Enjoy the view.

ANDREW LASSITER

Inquirer & Mirror  
7/29/07

Upper Cape Codder  
815104

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Welcome to Cape Cod, population furious. Enjoy the view.

Andrew Lassiter  
Sandwich

## TAKE WIND FARM PROPOSAL ELSEWHERE

To the Editor:

Please consider the consequences of another power plant on Cape Cod. I am 14, living in Sandwich, and I know how a power plant can affect a community. The oil plant in Sandwich provides power for the entire Cape and islands, but at a cost.

Residents of Sandwich and Bourne must look at the tall, ugly, industrial factory-style smokestack nearly every time we look out the window, bringing to mind images of 19th century mills and factories.

But here on our supposedly pure, uncontaminated, picturesque Cape Cod, which so many love and so many more can only dream about, we hold the prospect of yet another plant, yet far more prominent by comparison. The 24 square mile area of Nantucket Sound that may soon be sold away to Boston developers (specifically an organization which has named itself Cape Wind) is possibly one of the greatest, most beloved places on earth, and certainly the greatest asset to the charm and reputation that has made Cape Cod such a popular place.

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The plan for the farm would put 130 enormous, 417-foot tall wind turbines in

# Winds Of Change

Falmouth  
Enterprise  
8/20/04

By SUSAN L. NICKERSON

Simply put, the Cape Wind project does not make sense because it is in the wrong place. The resulting costs to society exceed the benefits. This does not mean offshore wind energy should not play a role in meeting our future energy needs. To ensure that offshore wind energy makes a sensible and meaningful contribution to our nation's energy needs, the comprehensive national planning process called for by the US Ocean Commission is essential.

Unfortunately, the permitting process that the US Army Corps of Engineers is undertaking is defective and the likely adverse impacts of the Cape Wind project are substantial.

Consider the issues:

- **No Rules—**Unlike offshore oil and gas development, the federal government has no rules to guide the brand-new industry of offshore wind energy. Without such rules the public interest cannot be served.

- **US Ocean Commission—**This spring, the bipartisan US Commission on Ocean Policy issued a landmark report concluding that the Army Corp permitting process is inadequate because: The US Army Corps of Engineers cannot grant rights for offshore energy projects; The Corps' process, which typically regulates obstructions to navigation, not power plants, is not comprehensive; and the Corps lacks the management breadth needed to take into account a broad range of issues.

- **Public Land Giveaway—**If Cape Wind succeeds in building this project for private profit,

unlike oil and gas projects, it will be occupying public lands for free.

- **Flawed Process—**The Alliance to Protect Nantucket Sound believes Cape Wind and its consultants have exerted undue influence over the environmental review process, raising serious questions about the objectivity and value of the draft Environmental Impact Statement to be issued by the Corps.

- **Governor Snubbed—**Recently Governor W. Mitt Romney asked the Corps of Engineers to delay release of the Cape Wind DEIS until questions about the state boundary in Nantucket Sound were resolved. Drying rocks exposed at low tide may redefine the boundary and put the project, and one alternative, into a state ocean sanctuary. In an abysmal failure to recognize legitimate state interests, the Corps dismissed the governor's request.

- **Industrialization—**The Cape Wind project would transform a sparkling ocean jewel into an industrial complex. The 24-square-mile project would be populated with an obtrusive array of enormous turbine towers with 520 red and amber flashing lights, and a transformer substation housing 40,000 gallons of potentially hazardous oil.

- **Boating Dangers—**The Cape Wind project would crowd main navigation channels for cargo ships, ferries, and fishing boats. The risk of collisions with the turbine towers and the danger of pollution from accidents would increase during periods of fog and storms, for which the area is known.

- **Commercial Fishing Impacts—**The 165 fishermen who work Horseshoe Shoal make half of their annual income from the catch there. Risk of collision with the turbines, or hooking onto the spider web of connecting cables between the towers, will largely preclude fishermen from fishing in the area.

- **Large-scale Construction Impacts on Marine Life—**Placing 130 turbines and miles of cabling in the seabed will cause elevated turbidity, which will smother bottom-dwelling organisms, kill juvenile fish, and drive off adults. The productivity of the Nantucket Sound fishery will suffer. The turbine bases have been touted as "fish magnets," but not all fish are attracted to structures. Open water fish, like bluefish and mackerel, could leave the area.

- **Bird Kill—**Nantucket Sound is rich in bird life. Millions of songbirds migrate through every spring and fall; hundreds of thousands of sea ducks winter on the Sound, and endangered bird species breed onshore. Wind power plants pose a clear danger to birds and should not be sited in areas of dense bird populations.

- **Economic Impacts—**The public would essentially be paying Cape Wind to build the wind farm. Unlike offshore oil and gas projects, Cape wind would occupy public land for free.

An economic study by The Beacon Hill Institute estimates that Cape Wind will receive a subsidy of \$241 million from state and federal sources; the

Continued on Page 5

## Winds Of Change

■ **Continued from Page Four**  
project will result in a loss of up to 2,533 jobs; and homeowners can expect property values to decline by \$1.35 billion.

- **Problems At Horns Rev—**The 'flagship' offshore project in Denmark, to which Cape Wind frequently points, is failing. All 80 turbines in the two-year-old facility are being dismantled and brought ashore for costly repairs.

Today, the future of Nantucket Sound is at a crossroads. Shoreside, millions of dollars have been invested to protect open space on the Cape and Islands. Seaward, the Cape and Islands Ocean Sanctuary, extending three miles out into Nantucket Sound, protects against activities that may "alter or endanger the ecology or appear-

ance of the ocean," and specifically excludes electric generation facilities. Illogically, the middle of Nantucket Sound, under federal ownership, has no environmental protection. It is precisely in that 'hole in the donut' where Cape Wind seeks to place the nation's first offshore wind power plant.

Alternative energy development is an important goal that must be pursued without trading one resource off against another. The Cape Wind project would cause irreparable harm to a national ecological treasure. Damaging the environment in order to save it is misguided.

(Ms. Nickerson is the executive director of the Alliance to Protect Nantucket Sound and the former executive director of the Association to Preserve Cape Cod.)

Inquirer & Mirror  
8/26/04

## Problems abound with Cape Wind

It is hard to argue against alternative forms of energy during a time when we are fighting wars and losing lives over foreign oil.

The environmental arguments against the continued use of fossil fuels are huge. The economic consequences of not developing alternative energy streams loom large as well. And on Nantucket, America's love affair with the car culture is as evident as on the California freeways as gas-guzzling SUVs clog our streets and fill our parking lots.

Yes, we need to do something about developing alternative energy policies and lessen dependence on foreign oil and fossil fuels.

But we still have a few problems with Cape Wind's proposal to put 130 individual wind turbines, each over 400 feet tall, across 24 square miles of Nantucket Sound.

Are those problems created in part because this project is right smack dab in our back yard? Well, yes. But who better to assess a situation than people living in close proximity to it?

Nantucket, Martha's Vineyard and Cape Cod residents will be affected the most by this project. On the Vineyard and Cape Cod the effects will include visual pollution of a natural resource that draws millions of tourists and recreational boaters and fishermen a year.

Proponents of the plan argue that tourists will flock to the area to see the triumph of man's technology over nature. But the area Chamber of Commerce offices aren't so sure. They feel the loss of revenue from sailors and sport fishermen who tend to be big spenders will weigh in negatively. We tend to agree.

Another big drawback to the location of the wind farm is the potential hazard to navigation in reference to air traffic and vessels in the sound.

The area between Cape Cod and the islands is saturated with air traffic from late April through Labor Day. The rest of the year is pretty busy as well, but during the summer months when commercial and general aviation pilots flock to the islands is the period of highest congestion, and as we witnessed this summer, the period of worst weather. Fog obscured Cape and Islands skies during much of July, and having 130 500-foot windmills in the middle of the airspace between the mainland and the islands is not a safe situation.

The Steamship Authority has already weighed in against this project over the hazards to navigation posed by the windmills for its vessels. Other boaters and fishermen have talked about the difficulty they would have in the winter months, navigating these waters, if the sound should ice up as it has the past two winters. Icebreakers would never be able to get in to the Horseshoe Shoal area to break up the ice and free up channels.

The biggest issue around this project, however, stems from the lack of regulations and jurisdiction pertaining to projects in offshore waters. As it stands now, a private developer is set to realize a large profit by developing public lands - the Sound - and he is not bound by the usual regulations applying to land-based developers.

Should the project fail, where are the funds to remove the structures? Should the project fail, who will be liable for the mess in the sound? Should the project fail, will the Cape and Islands residents pay the price while the developer merely reaps the profits?

Those are big questions that need to be answered satisfactorily before this project is approved.



Vineyard Gazette 8/27/04

# Wind Farm: The Tradeoffs, the Conflicts

*The proposed Nantucket Sound wind farm — the Cape Wind project — is back in the news. A long-awaited draft environmental impact study from the Army Corps of Engineers is to be released shortly; it is expected to assess, in meticulous detail, some of the most controversial points surrounding the project. Here, in advance of the release of that study, are two opposing points of view on Cape Wind's plans.*

By AUDRA PARKER

Cape Wind has been promoting its proposed wind power plant based on the merits of cheap and clean energy. The Alliance to Protect Nantucket Sound has been opposing the project for reasons ranging from exaggerated project benefits to concerns over the negative visual, environmental, economic, and safety impacts.

Cape Wind and Clean Power Now claim that we have a future shortage of capacity that needs to be addressed by building more plants. The alliance argues that we already have an oversupply of electricity that will continue through the decade, and what we really need is a serious conservation effort and a better transmission grid, not ever more power plants.

Both sides have their own view of the facts, and the public has become a casualty in the "war of facts" being waged by both sides. Like voters inundated by claims and counterclaims by candidates, the public is saturated by the debate. The media, covering more of the war than the substantive issues, hasn't helped the public sort out the facts.

So how do you know who is right and who is wrong? Will the upcoming draft environmental impact statement from the Army Corps of Engineers present a fair and unbiased view of the facts? Consider:

- Cape Wind says its proposal will reduce dependence on foreign oil. The alliance states that total elec-

tricity generation represents only 2 per cent of U.S. oil demand, so Cape Wind's project will be insignificant in reducing our dependence. The majority of our oil use goes to transportation; increase mileage efficiency to make a dent in our consumption of oil.

- Cape Wind promises the project will reduce carbon dioxide emissions and thus improve Cape Cod air quality. The alliance view is that the pollution we breathe on Cape Cod is primarily from prevailing winds from the Midwest. And whatever pollution contribution the local Mirant plant makes will continue because that plant will still operate even if Cape Wind comes on line.

- Cape Wind promotes offshore wind power as a proven technology based on European experience. It touts projects like Horns Rev in Denmark, the world's largest offshore wind plant, where 80 wind turbines were installed less than two years ago. The alliance talks about the potential risks of this immature technology and uses the same project as an example. Horns Rev is currently being dismantled and brought onshore to repair a host of costly problems with all 80 turbines.

The list goes on and on. Who is right?

Will the proposed Cape Wind plant supply 75 per cent of Cape and Islands electricity demand or tie into the Northeast grid and provide only 1 per cent of the Northeast's power? Do we need the power or not? Will the wind power plant encourage tourism or send tourists away? Will jobs be created or destroyed? Will the wind turbines be an aid or an obstruction to navigation? Will Cape Wind save rate payers \$25 million per year or will it actually cost taxpayers more when \$25 million converts to 10 cents per month per household and the costs of massive federal and state subsidies are added in? Will Cape Wind lock in rates for consumers or will the variable nature of wind prevent it from entering into supply contracts? What will

be the true impact on Nantucket Sound and the residents who inhabit Cape Cod and the Islands and the tourists who visit there?

Now we await the release of the draft environmental impact statement by the Army Corps to help us sort out these questions. Will the statement answer all of the questions posed above? Can it be a truly objective assessment of the facts when this 2,000-page document was largely written by Cape Wind's paid consultants? Will the impact statement address important concerns raised by Governor Romney, Massachusetts Audubon and the US Commission on Ocean Policy?

The Army Corps has chosen to ignore Governor Romney's recent request to delay release of the environmental impact study until the outstanding boundary issues between state and federal jurisdiction in Nantucket Sound have been resolved. Massachusetts Audubon requested a three-year study on avian impacts, but only one year's worth of data is available. The US Commission on Ocean Policy concluded that there is no comprehensive federal system in place to regulate offshore wind development or to convey property rights, and that the Army Corps of Engineers, which typically permits obstructions to navigation, is not suited to this activity.

Should we resolve these critical issues before the Army Corps releases the environmental impact study or should we make an exception for the first and single largest offshore wind power plant?

Truth is a relative matter, so put aside the conflicting positions of Cape Wind and the Alliance to Protect Nantucket Sound and start asking your own questions on the tradeoffs of the project and the objectivity of the process, before it is too late. Wind power may be renewable, but Nantucket Sound is not.

*The author is assistant director at the Alliance to Protect Nantucket Sound.*



CCTIME'S 9/11/04

# Speak up before it's too late

By AUDRA PARKER

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The Alliance argues that we already have an oversupply of electricity that will continue through the decade, and what we really need is a serious conservation effort and a better transmission grid, not more power plants.

Both sides have their own view of the facts, and the public has become a casualty in the "war of facts" being waged by both sides. Like voters inundated by claims and counterclaims by candidates, the public is saturated by the debate.

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So how do you know who is right and who is wrong? Will the upcoming draft Environmental

Impact Statement (DEIS) present a fair and unbiased view of the facts?

Consider:

Cape Wind says its proposal will reduce dependence on foreign oil. The Alliance states that total electricity generation represents only 2 percent of U.S. oil demand, so Cape Wind's project will be insignificant in reducing our dependence. The majority of our oil use goes to transportation; increase mileage efficiency to make a dent in our consumption of oil.

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repair a host of costly problems with all 80 turbines.

The list goes on and on. Who is right? Will the proposed Cape Wind plant supply 75 percent of Cape and islands' electricity demand or tie into the New England grid and provide only 1 percent of New England's power? Do we need the power or not? Will the wind power plant encourage tourism or send tourists away? Will jobs be created or destroyed? Will the wind turbines be an aid or an obstruction to navigation? Will Cape Wind save rate payers \$25 million per year or will it actually cost taxpayers more when \$25 million converts to 10 cents per month per household and the costs of massive federal and state subsidies are added in? Will Cape Wind lock in rates for consumers or will the variable nature of wind prevent it from entering into supply contracts? What will be the true impact on Nantucket Sound and the residents who inhabit Cape Cod and the islands and the tourists who visit there?

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Wind's paid consultants? Will the statement address important concerns raised by Gov. Mitt Romney and the U.S. Commission on Ocean Policy?

The Army Corps has chosen to ignore Romney's recent request to delay release of the statement until the outstanding boundary issues between state and federal jurisdiction in Nantucket Sound have been resolved.

The U.S. Commission on Ocean Policy concluded that there is no comprehensive federal system in place to regulate offshore wind development or to convey property rights, and that the Army Corps of Engineers is not suited to this activity.

Should we resolve these critical issues before the Army Corps releases the statement or should we make an exception for the first and single largest offshore wind power plant?

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Audra Parker is assistant director of the Alliance to Protect Nantucket Sound.

# Wind Farm Siting Regs Needed

9/17/01 Falmouth Enterprise

By JACK CLARKE

From the waters of Nantucket Sound to the mountains of Berkshire County, over 200 windmills are under consideration for development in Massachusetts. Mass Audubon supports the development of wind farms to offset the effects of global climate change produced by the burning of fossil fuels. However, as with all real estate deals, the issue is location...location...location.

Climate change is one of the most serious threats to the nature of Massachusetts and to the planet. It results from burning fossil fuels to power cars, trucks, planes and trains, and to generate electricity. Though we make up just four percent of the world's population, Americans produce 25 percent of the world's carbon dioxide emissions.

The development, production, and consumption of fossil fuels damages the public's health and environment, including destruction of wildlife habitat, from drilling and mining; the closure of shellfisheries and fouling of beaches by oil spills; damage to human health from air and water pollution; and contamination of groundwater from the disposal of solid and hazardous waste.

To reduce these impacts, reliance on fossil fuels as a major source of energy must be dramatically reduced. As responsible citizens, stewards, and advocates, Mass Audubon strongly supports public policies and private projects that advance energy conservation and efficiency. Simultaneously, we support an aggressive increase in the amount of energy derived from renewable resources.

Energy conservation and increases in energy efficiency are critically important, but they

will not address entirely the problems arising from America's insatiable energy appetite. Although the commonwealth's goal to obtain 10 percent of electricity from renewable sources by the end of the decade is laudable, it should be a minimum mark and not a maximum target.

Of the renewable energy options currently available, wind power has the greatest potential to offset the harmful effects of global climate change. While all energy choices have environmental impacts, technology to harness wind is among the more advanced, widely available, and environmentally benign of the renewable energy options. The potential environmental risks associated with wind power facilities, however, must be evaluated against the proven destructive effects associated with fossil fuels.

Unfortunately, our state and federal governments have failed to establish plans and standards for siting, installing, and decommissioning wind energy facilities. While there are regulations for permitting windmills, they were developed prior to today's large-scale proposals and do not address potential risks to birds, wildlife, and remote habitats.

Government agencies and the wind energy industry would benefit from a framework of comprehensive planning and facility siting criteria to guide projects to the most appropriate locations.

Measures needed to promote the development of wind energy and manage its effects include establishing leasing programs to compensate the public for use of state and federal lands and waters. Planning and siting criteria should be made available to guide environmentally sound

site selection, including on state and federal lands and waters. Local, state, and federal agencies need to refine and, in some instances, establish permitting procedures along with protocols for pre- and post-construction monitoring, and procedures for decommissioning abandoned wind turbines.

In the planning, permitting, operation, and decommissioning of wind energy facilities, the location and size of wind farms must not be a significant threat to terrestrial, marine, and avian wildlife and habitat. Special and scarce areas such as old-growth forests should be avoided, along with mountain ridge tops and ocean corridors that are major migratory routes for birds. Lands and waters documented as important for endangered species should also be off limits, as should designated Important Birds Areas.

Based on the best available information, Mass Audubon will undertake a risk analysis of certain proposed wind energy projects and weigh the benefits and detriments of each particular site proposed for development as we review and comment on each proposal.

Mass Audubon will continue to work with the state and federal government, the energy industry, and environmental colleagues to ensure rapid progress on reducing reliance on fossil fuels through conservation and wind energy development while minimizing the negative environmental impacts.

At Mass Audubon, our goal is that wind energy no longer be considered an alternative.

(Jack Clarke is director of advocacy for Mass Audubon. Established in 1896, Mass Audubon is the largest conservation organization in New England.)

are no federal guidelines for any offshore development. In whose best interest? Looks like in the best interest of Cape Wind and the developer who will be the premier waterfront property owner gaining his millions from public land using public monies. If the developer was looking out for the public's best interest than he would put the project on hold until we, the people, have a policy of guidelines for such ocean projects. Yes it does look like someone rich is standing in the way of progress.

PATRICK GATTO

## Opposes wind farms

To the Editor:

I have thought a lot about the wind farms and have decided that I am against them. I do not want these giants invading our view of the beautiful ocean. These monstrous towers may also be a hazard to the sea life. By planting these wind turbines in Nantucket Sound it would be invading animal habitat. They can easily kill flying birds like seagulls and can ruin the fishing industry. These are reasons why I don't want wind farms off the coast of Nantucket and I hope we don't have them.

EMMA A. YOUNG

## Slow wind farm down

To the Editor:

For several years now Cape Wind has been denouncing the people, organizations and community members that object to constructing a wind power plant in Nantucket Sound as NIMBY (Not in my Backyard) and as just a bunch of rich waterfront property owners who are standing in the way of progress.

Cape Wind and its wealthy developer successfully lobbied against an amendment presented by Sen. Warner and Chairman of the U.S. Armed Services Committee that stood in the way of his progress and profits. The amendment that would have rescinded the authority of the Army Corps of Engineers to permit his project and would have put in place a call for federal guidelines to manage our offshore waters, guidelines that would address all offshore development.

Cape Wind says that his project is in the public's best interest-the first offshore wind power plant in the

Inquirer &  
Mirror 10/21/  
04

# Letters

*Nantucket Independent*  
10/20/04

## LET THEM KNOW WHERE YOU STAND

### To the Editor

The Cape Wind Project for Nantucket sound that impacts the island in a negative way is gaining momentum. Those like myself who oppose the project are not against alternative energy.

Location of the project and benefit to our community are what is in question. At the Federal level the proponents were able to defeat the Warner amendment which would have protected the public's right for compensation and rigorous environmental review.

At the last hours of debate the amendment was excluded and our elected official who represent us all lost the right to decide this important issue. It is clear that we need better guidelines for offshore development.

The Army Corps of Engineers currently has the power to decide this important issue for the cape and the islands. If this is allowed to continue a private for profit company, Cap Wind, will be making money from public land.

Is this what we want to happen to our most precious recourse for tourism, fishing, and boating? Contact your Senators and Congressmen and let them know how you stand on this issue.

— Maria Zodda  
Nantucket

## COASTAL SECURITY RISKS

### To the Editor:

We must continue to support the U.S. Ocean's Commission's recommendation for federal guidelines and management of offshore development within the outer continental shelf.

Despite a failed amendment attempt by Senators Warner and Kennedy of the

Armed Services Committee to the recent U.S. Defense Authorization Bill, we must see that bureaucratic agencies such as the Army Corps of Engineers are the wrong way to be determining coastal policy or permitting coastal structures, offshore wind power plants (including the wind farm proposal for Nantucket Sound), waterfront uses, and reuse of our military base facilities. In light of our heightened security, planning for our vulnerable coastlines must be reevaluated from a comprehensive and strategic point of view.

Perhaps the only way to express the urgent need for this zoning of our offshore U.S. Government properties is to emphasize the security risk that exists in having 3 miles of unregulated, unmanaged and un-zoned territory running along the edges of and abutting the most populous areas of our country.

This re-evaluation is something that should be supported by Homeland Security as it is a major security loop-hole in the U.S. — greatly surpassing even the lack of inspection of hulls of ships and holds of planes. There are coastal areas and harbors, as in the case of Boston Harbor's Charlestown piers at the "Head of the Harbor," where Coast Guard ships and police cars and boats line up eight-strong to escort hugely explosive LPG (liquid natural gas) tankers into the heart of the city.

Those strategic piers, or pier in the case of Pier 5, can now be arbitrarily turned over to multi-story housing units that will be within 200 yards of these dangerous LPG tankers by unguided agencies such as the BRA (Boston Redevelopment Authority) and the Army Corps of Engineers. The message here is, even where some protection and zoning is in place against inappropriate development by virtue of MEPA (MA Environmental Protection Agency) Chapter 91, that even these very few protections can be superceded and the security loophole of our coasts not only remains, but is enlarged.

Sincerely Yours,

— Sherrie S. Cutler, A.I.A.

Warner is attempting to block one of America's options for reducing our dependence on the Middle East — developing clean, offshore, American wind power."

I work for the Alliance to Protect Nantucket Sound as the community outreach assistant. When I read Cape Wind's e-mail, I felt as though I had been kicked in the stomach. Cape Wind is using our unfortunate situation in Iraq as support for the development of their for-profit venture. No more will their proposed wind plant cut down the number of our soldiers dying in Iraq than it will wean us from our dependency on foreign oil.

Cape Wind should not use my cousin, nor any of the other brave young men and women in Iraq, as some kind of selling point for its project.

Jules Clark  
Hyannis

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Jack — tsk! tsk!

*The Register* Muriel Hanger  
10/28/04 Dennis

### CAPE WIND'S VICTORY WAS OUR LOSS

To the Editor:

From what I could gather from news accounts on the Warner amendment last week, Cape Wind and its supporters were celebrating the fact that the amendment failed — and lucky for them! The Warner amendment would have forced Cape Wind, the modern day pirates, to pay for the privilege of building a private for-profit wind power plant in public coastal waters instead of their shameless, free land grab/steal.

The fact that they succeeded in killing an amendment that would benefit us taxpayers and everyone who cares about the preservation of Nantucket Sound doesn't strike me as a victory for anyone except for the developer/pirates who are looking to strike it rich at our expense as the taxpayers.

Vanessa Fenner  
West Dennis

### SHAME ON CAPE WIND

To the Editor:

My beautiful, 19-year-old cousin, Lance Cpl. Jonathan W. Collins, USMC, was killed in Al Anbar, Iraq two months ago. He was a brother, a son, a jokester, an avid soccer player, an actor — he had a 1000 watt smile and an infectious laugh. In his short life he touched so many people. Thousands attended his memorial services.

The citizens of Crystal Lake, Ill., lined the streets of the route that Jonathan's hearse would pass on the way to the cemetery. It was an incredible site. Children with their parents, senior citizens, high school teams, all standing there in complete silence waving flags and holding signs that expressed their pride in his service to America and their tremendous sadness over the loss of his young life. There are truly no words to describe this expression of respect for Jonathan and his family.

Recently, there was an amendment introduced by Sen. John Warner of Virginia that called for federal guidelines to manage our offshore developments. In response to this amendment Cape Wind put out an e-mail blast that began as follows:

"At a time when Americans are more concerned than ever about our dependence on Mideast oil, with our soldiers dying in Iraq and with record high oil prices, Senator

## Believes Cape Wind gaining ground

To the Editor:

The Cape Wind Project for Nantucket Sound that impacts the island in a negative way is gaining momentum. Those like myself who oppose the project are not against alternative energy. Location of the project and benefit to our community are what is in question. At the federal level the proponents were able to defeat the Warner amendment which would have protected the public's right for compensation and rigorous environmental review.

At the last hours of debate the amendment was excluded and our elected officials who represent us all lost the right to decide this important issue. The Army Corps of Engineers currently has the power to decide this important issue for the Cape and Islands. If this is allowed to continue a private for profit company, Cape Wind, will be making money from public land. Is this what we want to happen to our most precious resource for tourism, fishing and boating? Contact your senators and congressmen and let them know how you stand on this issue.

I am

10/28/04

MARIA ZODDA

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Warner is attempting to block one of America's options for reducing our dependence on the Middle East — developing clean, offshore, American wind power."

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Cape Wind should not use my cousin, nor any of the other brave young men and women in Iraq, as some kind of selling point for its project.

Jules Clark  
Hyannis



## MY VIEW

# Delahunt: Gone with the wind farm

By MICHAEL JONES

**A**s I campaign on Cape Cod and the islands to unseat ultraliberal congressman Bill Delahunt, the issue of the proposed Nantucket Sound wind farm evokes visceral concern among our neighbors here. And for good reason.

I was born and raised on Cape Cod. I simply cannot support the construction of 130 huge turbines and massive platforms that will destroy the natural beauty of Nantucket Sound. That natural beauty is a key reason folks come to visit the Cape and contribute to our local economy.

Supporters of the project claim the wind farm is good for the environment because it is a renewable and clean form of energy. While it is true wind energy is renewable and clean, it is difficult to argue that 130 structures pounded into the seabed and taller than the Statue of Liberty are good for the environment of Nantucket Sound.

Make no mistake as to where the wind is blowing from. Talk of making the Sound a national marine sanctuary has been in the air since the 1980s. Delahunt talked about the idea again in 2002. He has done a lot of talking, but he has failed to get Congress to act on it.

Rep. Delahunt introduced legislation in March that would give jurisdiction of offshore energy projects to the U.S. Department of Commerce, with licensing fees and royalties imposed on developers. Again more talk, and his legislation went nowhere.

This month, it took a Republican senator to attempt to stop the wind farm. Virginia Sen. John Warner introduced an amendment to the defense appropriations bill

that would have stripped the U.S. Army Corps of Engineers of oversight of offshore projects in federal waters, including the proposed Nantucket Sound wind farm.

However, Delahunt was unaware of the amendment until his office was called by the press. The amendment failed to be included in the legislation offered by the House of Representatives. The incident only underscores how little attention the current congressman lends to vital issues concerning the Cape and islands and how ineffective he is in the House at moving the Cape's agenda forward.

When I am elected to represent Cape Cod and the islands in Congress, I will work with Sen. Warner to reintroduce legislation to stop the wind farm in both the House and Senate. I will offer legislation to make the project subject to the same environmental restrictions as those placed on offshore oil and natural gas produc-

tion. I will then work with my party's leadership to gain support for the measure in the House.

The simple fact remains that Rep. Delahunt has been unable to attain even a modicum of success at helping to stop the wind farm. Maybe this helps explain why the president of Cape Wind has contributed so much money to the Delahunt campaign. We can do better.

Cape Cod and the islands deserve a stronger voice in Congress. Results are needed in the effort to stop the wind farm's current proposed location. Results do not disappear into thin air. The Jones for U.S. Congress campaign is running hard to ensure that Bill Delahunt is gone with the wind farm.

*Michael Jones of Plymouth is the Republican candidate for the 10th Congressional District seat now occupied by U.S. Rep. William Delahunt.*



**MICHAEL JONES**



MY VIEW

# Protect public, not financial interests

By SUSAN NICKERSON

The just released Draft Environmental Impact Statement on the proposed Cape Wind project was expected to be an objective assessment by the U.S. Army Corps of Engineers.

But the massive 4,000-page document was largely written by consultants selected, directed and paid for by the developer — not the Army Corps or the state and federal agencies responsible for safeguarding the public's interest.

Under that scenario, objectivity becomes suspect, especially when the procedures typically required to control the role of the developer were not followed.

With the report out on the street, it's time for the public to ask some hard questions before buying into the eager conclusions of the study.

■ Why is the Army Corps moving ahead with permitting a project that the chief elected official in the state, Gov. Mitt Romney, opposes?

■ Why is the Army Corps ignoring state Attorney General Thomas

Rally's concern that "the Army Corps is disregarding its duty to defend the public interest and, in essence, opening the door to a land rush in one of the commonwealth's greatest natural resources?"

■ Why is the Army Corps proceeding to review the Cape Wind project under Section 10 of the Rivers and Harbors Act, when the U.S. Commission on Ocean Policy

has said in its report to Congress that this law is inadequate as a regulatory vehicle for offshore wind energy development?

■ Why did the Army Corps ignore early calls from the EPA essentially to frame the purpose of the project in the public interest, instead of the developers' financial interest?

■ Why did the Army Corps let Cape Wind choose the consultant to write the impact statement? Under federal law, the Army Corps should have selected an unbiased consultant instead of accepting Cape Wind's advocate, ESS.

■ Why did the Army Corps seek legal advice from Cape Wind on defining alternatives to the project, and why did Cape Wind provide flawed legal information

to the Army Corps that favored its project goals?

The close relationship between Cape Wind and the federal agency entrusted to undertake an impartial review of its project is troubling. The Army Corps has ignored important recommendations from its interagency team.

The approach of the Army Corps has apparently drawn fire from numerous of the now legendary "17 agencies" that Cape Wind talks about reviewing its project, which have repeatedly raised objections to the way the Army Corps has gone about this review. Transparency in the process is absent.

The statement's fundamental process flaws are compounded by significant information gaps in the report itself. For example, the DEIS ignores:

■ The request by Romney to resolve the outstanding question of the state's boundary in the waters of Nantucket Sound, because the boundary question could have significant implications for state control over the project;

■ Written requests from Cape and islands' towns to have a detailed oil spill map to show what would happen to their coastlines

and beaches if 40,000 gallons of dielectric oil spilled from Cape Wind's transformer substation in the middle of Nantucket Sound.

■ Opinions of the two major passenger ferry lines serving the Cape and islands, the Steamship Authority and Hy-Line Cruises, which have objected to this project because of the unacceptable risk it poses to its ferry passengers.

What is the public to make then of a report that lauds the Cape Wind project?

The Cape Wind project is complex and controversial, and the first of its kind in the country. The impact statement narrowly focuses on a specific project in a specific location because this is what the developer wants, even though the problem Cape Wind purports to address — global warming — is not local in nature.

The public needs to be confident that a fair and factual process is in place so the ultimate decision is the right one.

It's time for the Army Corps to put the public interest first, and give the public the process it deserves.

Susan Nickerson is director of the Alliance to Protect Nantucket Sound.



SUSAN NICKERSON

CC-T  
11/10/04



**Fay Pennicott**  
Front desk agent

"In a sense I'm thinking it's good, for conserving electricity. But on the other hand, is it good for the ecosystem?"



**Barbara Jenkins**  
Realtor

"I am against the proposed wind farm. Energy is expensive, granted, but Nantucket Sound is beautiful, just the way it is."



**Liza Paradis**  
Seventh grade student

"I don't like it. It would ruin the whole essence of Nantucket. If they need power for California, they should put it in California."



**Donna Wallace**  
Stay-at-home mom

"I think it's a great idea. It's a good way to use our energy. And I don't think it would ruin our horizon."



**Peter McMurrer**  
Construction

"Absolutely not. I think it's disturbing Horseshoe Shoal, and it will undoubtedly, at some point, be a hazard to navigation by water and air."

Inquirer & Mirror  
11/18/04

In response to the question:

Should Cape Wind Associates  
receive a permit to build  
a wind farm in Nantucket  
Sound?

## Wind farm noise

To the editor:

A warning to the people  
of Cape Cod and in particu-

LETTERS, PAGE 11A

## Letters

(Continued from page 10A)

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to sound pollution. I speak

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from our home. In the

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the mornings it overshadowed

owed the sounds of the

birds.

*Inquirer & Review* 11/18/04

It was a happy day when

maintain these beasts they

were ultimately removed.

We now hear the ocean and

the birds again.

no money to repair and

S.P. CHERNER

## Cape Wind: Not on Our Shoal

Following the release of the environmental impact statement by the United States Army Corps of Engineers for the Cape Wind project, there is plenty of political flak in the air over the seven hundred million dollar plan to build the nation's first offshore wind farm on Horseshoe Shoal.

On Cape Cod and Nantucket the debate has been full of fire, but on the Vineyard the discussion has been far more polite — too polite, really, for a place where people are known for getting into the fray. It's time for Islanders to become more engaged in the Cape Wind project. A public hearing on the plan will be held at the Martha's Vineyard Regional High School on Dec. 6.

Against a backdrop of dramatic population growth and increasing demand for power in the Cape and Islands region, there is no question that steps must be taken to reduce our dependence on oil to produce electricity. State law requires utilities to include renewable energy in their mix by the year 2010, and nonpolluting solutions are urgently needed.

Enter Cape Wind with its plan to build one hundred and thirty towering wind turbines on twenty four square miles of Nantucket Sound, five miles off the coast of Cape Cod and eight miles off the coast of Oak Bluffs. By all accounts Cape Wind developer Jim Gordon is a smart, enterprising, streetwise developer who is well ahead of the pack. But beneath the save-the-earth veneer of his project there are problems.

Visibility is one issue. A computer-generated photograph from the Army Corps published in The New York Times depicts the view as it would be seen from the coast of Cape Cod: a clear line of turbines marching along the horizon.

Regulation of federal tidal lands for wind power generation is another issue. Nantucket Sound was declared an ocean sanctuary by the state Legislature in 1971; this publicly owned pristine seabed is in our backyard and it should not be handed over lightly to a private developer.

What's needed for the Cape Wind project is a Martha's Vineyard Commission-style review, but because Horseshoe Shoal lies in federal waters, the central regulatory agency is the Army Corps. It's hard to have much confidence in the Corps, which has already demonstrated a penchant for being political. For reasons that were never really understood, the Corps sat on the completed environmental impact statement for the Cape Wind project for many weeks before releasing it, and then conveniently allowed the executive summary to be leaked one day before it was made public.

The Corps claims that the impact statement is objective and was written in cooperation with 17 different federal state and local agencies. But one of the 17 listed agencies is the Wampanoag Tribe of Gay Head (Aquinnah), and tribal leaders say they have not participated in the project review.

The Cape Wind project as it's now drawn is too huge; it's just too much to go from zero to one hundred and thirty in one giant step. It's also in the wrong place.

Brings to mind that old maxim: right church, wrong pew.

Vineyard Gazette 11/19/2004

11/24/04

# Army Corps ignores sense of place

**S**o the Army Corps hath, at length, spoken. OK, not to worry, we've looked into this wind farm thing and guess what? Nothing to worry your little heads about.

Whom exactly do they imagine they are talking to in this document?

Back in the days when there used to be a position on the political spectrum to the left of right-center, before "liberal" became a curse word, there was the slogan "all power to the people." You know - as in democracy, majority rules, that sort of thing. The way the Corps of Engineers has weighed in, it's all power to this document. It's looking as though this hefty brick of paper in one pan of the balance is going to outweigh the whole rest of the region and all of us living in it.

We get to talk among ourselves for the next few weeks, but there is no mechanism for that talk to translate into a real say. Did anyone seriously think the Army Corps' report would come out any other way?

Choosing to limit themselves to the easily quantifiable, the authors of the report came to the only conclusion they could have. Yes, when the wind blows, the 24-square-mile industrial park of 130, 450-foot-high turbines will produce a considerable amount of electricity. Yes, the world would be a better place if nukes and oil could be replaced by a more benign alternative source of energy. The turbines will kill, they figure, only 364 birds a year (not 360, 365 - 364. Gotta feel reassured by the precision.) The plovers will continue to pipe.

But as a Times editorial pointed out, those issues were never central to the opposition to Cape Wind. The essential concern is aesthetic, which sounds lightweight until re-phrased as quality of life. The Corps report considers the impact on birds and fish; it seems insufficiently interested in impact on the portion of our own species that lives here.

Call it a farm if it makes you feel better, but the proposed generating plant is still going to be a huge industrial installation plunked right in the middle of the open sea shared by the Cape and islands.

The character of a place is not easily quantifiable. It is highly subjective. In the case of Horseshoe Shoal, it's partly what can be seen from that shore. But that's not all of it. It's most importantly

the knowledge we all share of what's out there. There will be a fundamental change in the nature of our place if Nantucket Sound goes from Category A - open, undeveloped sea - to Category B - developed, exploited.

Yeah, it's just a matter of feelings. What we lose is the way we feel about our place. And what we will get by way of compensation for our losses is still, after all the talk, approximately nothing. Neither the company nor the Corps commits to a schedule by which Pilgrim and Mirant will be eliminated. Neither claims there will be any appreciable reduction in energy costs to us - 30 cents a month is still the only figure

I've heard.

You'd think that a 9-inch thick, 50-pound pronouncement on the fate of a region would be comprehensive, the last word on the subject. But, in fact, the



BRENT HAROLD

Corps document leaves out almost everything important:

- How the proposed development will change the very essence of the region in question;

- The lack of any national ocean policy of which a local wind generating plant might play a role;

- The failure of the Horns Rev Danish wind farm, which was being pushed a short time ago as a big reason we should be happy about getting one of our very own;

- The track record of wind power elsewhere in the world, which casts doubt on whether this technology, even if it is allowed to visually pollute beloved open space everywhere, has a chance to make a significant dent in the energy problem.

Yes, this is a NIMBY issue: the NIMBYs are those living elsewhere who can't understand all the fuss about a few windmills on the horizon. From a distance it's easy enough to pay lip service to a fuzzy green ideal without really thinking about the realities of this technology, including the permanent price to be paid by this region.

Unless a way can be found to alter the current undemocratic, corporation-weighted process, we are headed for a sad conclusion to this controversial issue.

Brent Harold of Wellfleet, a former English professor, is a writer, designer and carpenter. His column runs every other Wednesday. Reach him at [kinnacum@capecod.net](mailto:kinnacum@capecod.net)



In your editorial ("Fickle Winds," Tuesday,) you emphasize the need for an effective ocean zoning process like those in Great Britain, Denmark, and other European countries to regulate and guard the public's interest with regard to private energy development on the Outer Continental Shelf.

I strongly support renewable energy, including wind energy as a means of reducing our dependence on foreign oil and protecting the environment. When developed in a rational, cost-effective way, wind energy can be an important part in the nation's energy strategy.

Unfortunately, in the absence of any specific federal, state or local policy on private offshore wind energy projects, we are forced with an ad hoc approach that neglects the public interest.

My family has a long history on Cape Cod. After growing up and raising my children here, I understand the enormous national treasure we have in the Cape. We have an obligation to preserve it for future generations, which requires us to know the impact of our decisions on the landscape, seascape, and environment.

I'm concerned that we are rushing to implement the Cape Wind proposal - the world's largest proposed wind farm, 130 turbines, 400 feet tall in the waters between the Cape and the Islands - with little understanding of its likely impacts.

There are currently no federal laws or regulations on the siting, construction, operation and maintenance of large-scale wind farms off our coasts. Our national treasures deserve better.

‘n the case of offshore oil and gas projects, private developers are required by federal law to compensate the states for their use of federal lands within a state’s boundaries to ensure that the public receives a benefit from the projects - not just the energy company. Louisiana received more than \$40 million in 2001 because of these federal rules, and the funds were then used to acquire and protect sensitive marine properties and to support state programs.

With regard to the Cape Wind proposal, the Cape Cod Chamber of Commerce fears that tourism, the region's No. 1 industry, will suffer. Environmental groups are concerned that the large wind farm will harm wildlife. The Massachusetts Fishermen's Partnership has come out against the project because of the significant damage it will cause to fishing beds and waterways. Citizens on the Cape and across the Commonwealth are opposed to the industrialization of the incomparable Nantucket Sound.

at, efforts to create rational rules for the development of offshore wind energy are being met with strong opposition in Washington. The energy industry and its allies in Congress and the White House are automatically opposed to any public interest regulation of wind energy development on the Outer Continental Shelf.

But their primary interest is not in fostering renewable energy, but in preventing the imposition of any rules that could be extended to other types of energy development.

The emerging industry of offshore wind energy production would do well to insist on the creation of some clear rules so that they can plan for the future. But, in Washington today, that kind of thinking is not in fashion. The prevailing attitude - energy policies, tax cuts or any other issue - is to grab what you can.

For the past three years, we have witnessed a sustained and unprecedented assault on public interest laws governing development on federal lands by the Bush administration at the behest of the energy industry. Industry self-regulation is what they want. Against this reality, we have to find ways to ensure that Cape Wind's proposal meets the public interest.

Original Document

For all communities along the Massachusetts coast, the stakes could not be higher. Other developers are watching. Cape Wind is now working on an environmental review to determine the effect of its more than \$600 million proposal on Nantucket Sound. Cape Wind - and Cape Wind alone - has chosen this location.

At a minimum, as part of Cape Wind's environmental review, the federal government should require what is called a programmatic environmental impact statement for the development of large-scale wind farms on the Outer Continental Shelf. Such a study would look at the entire coastal area to determine which sites hold the most promise for wind energy development, and which sites should be protected against industrialization because of environmental or economic considerations.

That way, the federal government can inventory and designate the most appropriate location for such development, and we can be sure that the public - not just the private developers - have a voice in how public resources are used for private profit.

Ultimately, we need a national policy on wind energy development on the Outer Continental Shelf, but I have no illusions about the enormity of that task, given the current anti-regulatory attitude in Washington.

In the interim, we must do all we can to see that this first-of-its-kind project receives enough state and federal scrutiny to justify its going forward. So far, in spite of all the loud rhetoric on the issue, Cape Wind hasn't met that test, and I doubt they ever will. Until they do, the project should not go forward. Far more is at stake in the decision than our backyards, and I make no apology for opposing this project now.

*Sen. Edward M. Kennedy of Hyannisport, a Democrat, has served in the U.S. Senate since 1962.*

(Published: August 8, 2003)



## **Beyond Cape Wind: Depolarizing the local debate**

### **My View: reader commentary**

**By CHRISTOPHER R. POWICKI**

**From the Cape Cod Times, March 3, 2003**

A recent Times article misinterpreted a statement jointly issued by six local organizations and erroneously indicated that the Cape & Islands Renewable Energy Collaborative (CIREC) has taken a position on the wind farm proposed by Cape Wind Associates

These mischaracterizations are symptomatic of a larger problem: The polarizing nature of the debate over the Cape Wind project threatens to dampen public support for efforts to develop regionally abundant renewable resources and to maximize the economic, environmental and social benefits that may be derived from them by local communities.

The Times article was written in response to a statement issued by Cape & Islands Self-Reliance, Wind Management LLC, The Conservation Consortium, Woods Hole Research Center, Water Energy & Ecology Information Services, and T.J. Design. The statement expresses opposition to the call for a moratorium on offshore wind energy development; readers are encouraged to visit [www.cirenew.org](http://www.cirenew.org) to view the full text of the statement.

The article missed two key points. First, opposing a moratorium on all offshore projects is not equivalent to endorsing the proposal advanced by Cape Wind or, more generally, the projects being considered by other developers. Second, CIREC's role as a collaborative is to bring together local citizens, businesses, advocacy groups and institutions with a common interest in achieving a sustainable energy future, not to take positions on specific projects.

CIREC's strength arises from its inclusiveness and diversity, as well as from its desire to partner with other organizations in efforts to harness renewables and to use all energy resources more productively. CIREC participants have varied perspectives on how - and how fast - local communities and larger society should turn away from fossil fuels and toward renewable energy sources.

Accordingly, the opinions voiced by individual CIREC members, including the ones presented in the moratorium statement and in this article, are not representative of those held by all participants. In fact, some CIREC participants support the Cape Wind project, some oppose it as proposed, and some are letting the rigorous, multilayered review process proceed before passing judgment.

The diversity of perspectives within CIREC reflects the range of opinions held by the public and by other stakeholder groups. The problem is that local attention - steered by this newspaper, with able assistance from the Alliance to Protect Nantucket Sound - has focused on the potential adverse impacts of the Cape Wind project. The attendant public discourse over renewables development has been divisive and destructive.

Recent conversations with representatives from numerous local organizations indicate a growing desire to broaden the scope of public inquiry and transform the local debate by moving "beyond Cape Wind." The Cape Light Compact, with funding from the Renewable Energy Trust administered by the Massachusetts Technology Collaborative, is already directing a regional assessment of renewable energy development options. A transparent, wide-ranging and fact-based community outreach and planning program is needed to complement the Compact's assessment and build consensus regarding renewables development in the Cape and islands region. Such a program would characterize the region's energy present, envision a "green energy future" and coordinate collaborative exploration of pathways for managing the transition.

The first component would educate the public and other stakeholders on the adverse economic, environmental and social impacts imposed on local communities by the present fossil-fuel-based energy economy.

The second component would develop and communicate plausible visions of a future in which the Cape and islands region reaps the benefits associated with becoming a national leader in a burgeoning high-technology industry.

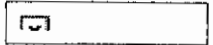
The third component would engage individuals, organizations, and communities in weighing the trade-offs associated with renewable energy development options and in exploring approaches for siting, sizing and structuring individual projects to maximize local benefits and minimize adverse impacts, now and into the future.



Moving "beyond Cape Wind" provides an opportunity for collaborative, constructive consideration of how to leverage the natural energy flows that shape and define this singular region. It will also begin to bridge the divide within the economic and environmental communities by re-emphasizing the common agenda shared by local organizations, which is to make the Cape and islands region a better place to live and to visit, now and into the future.

Christopher R. Powicki of Cummaquid is a principal of Water Energy & Ecology Information Services and a participant in the Cape & Islands Renewable Energy Collaborative. He may be contacted at [chrisp@weeinfo.com](mailto:chrisp@weeinfo.com).

(Published: March 3, 2003)



## **What's the public benefit of wind project?**

**From the Cape Cod Times, August 27, 2003**

**By Ernest J. Corrigan**

Cape Wind is now quoting Daniel Webster to the effect that "there is nothing so powerful as the truth." The offshore wind farm developer is now attempting to convince the public that the Alliance to Protect Nantucket Sound is distorting the reality of its Nantucket Sound project.

The "truth," says Cape Wind, will "confirm the project's overwhelming public benefits."

Well, to use another quote from our native son, Mr. Webster, "The world is governed more by appearances than realities, so that it is fully as necessary to seem to know something as to know it."

The Cape Wind project is all about appearances, and reality is not going to set this project free.

Consider Cape Wind's new enthusiasm for the "savings" this project will deliver to ratepayers: 35 cents a month. That's right, 35 cents. And that is the "savings" number that the developer is promoting, so you might want to consider that a best-case scenario.

And our advertising campaign, which has zeroed in on the amount of public subsidies that Cape Wind would qualify for, was not intended as a criticism of the federal Production Tax Credit (PTC). What we think people should know is how much money Cape Wind will make from taxpayer-funded benefits so that we can set the record straight on the real incentives that are driving this project.

We have also criticized Cape Wind for not having a serious plan for decommissioning these ghastly towers once they have served their useful life. So, you might ask, what exactly is Cape Wind's plan to remove 130 towers?

Cape Wind has stated that it "has consistently included a financially assured decommissioning plan as an integral part of its proposal." Where? Have they actually posted a bond (conservatively calculated at \$39 million) to cover the cost of removing those towers?

Another benefit that Cape Wind is promoting as part of its "truth campaign" is that this project will produce "a cleaner, healthier environment." We wonder how this will occur? It seems obvious that a non-polluting source of energy, such as wind power, would promote a healthier environment, but exactly how will that happen as a result of the Cape Wind project?

The Cape's air quality is the result of prevailing winds carrying smokestack emissions from the Midwest as well as the pollution coming from the Canal electric plant, which burns dirty No. 6 grade oil.

We know that Cape Wind can't do anything about Midwest smokestacks. We also know that the owner of the Canal electric plant will continue selling electricity into the New England power grid and continue to billow pollution. Where is the cleaner environment that Cape Wind promises?

Cape Wind also promises "increased energy independence" from this project. Presumably, that means from foreign oil sources. Again, tell us how this project - which will produce just one percent of New England's electricity - will make a dimple in our foreign oil imports.

If we really want to address our dependency upon foreign oil, we should park our cars for a day and walk because 70 percent of our imports fuel our transportation - not our electricity.

The real truth is that Cape Wind hasn't answered the tough questions, like how they are going to finance this project, how much profit investors will make in exchange for the use of Nantucket Sound and what real, actual benefits the public will see from what is clearly a money-making scheme: 35 cents a month doesn't cut it any more than their vague promises for a cleaner, healthier environment and energy independence.

Cape Wind doesn't appreciate the resistance it is encountering with this project so it resorts to attacking its critics. Well, here's some more advice from Daniel Webster: "Keep cool; anger is not an argument."

## **A pledge to protect on a new frontier**

**From the Cape Cod Times, October 22, 2003**

**By SUSAN NICKERSON**

As I talked with friends and colleagues about my recent affiliation with the Alliance to Protect Nantucket Sound, some were surprised I'd joined an organization that opposes the most talked-about wind-power project in the country. Where was my "green" card, they wondered, knowing I'd spent my career promoting protection of the Cape's unique environment.

The question is worthy of a serious response, and provides an opportunity to clarify the goals of the alliance.

Protecting the Cape's environment and our marine ecosystems requires asking some hard questions about this project, and compelling the developer to provide complete and transparent answers - a scenario that has yet to materialize. What is being proposed for Nantucket Sound is an industrial-scale development of unprecedented scope. That it is a wind power project has obscured some fundamental public-interest considerations.

Progressive action to protect open space, drinking water supplies and coastal ecosystems is not novel for longtime Cape Cod and islands residents. Federal, state and local governments, industry, commerce and the citizenry have collaborated, sometimes with great effort, to put measures in place to keep this special place distinctive, to preserve what is extraordinary about the region while maintaining its access as a destination to visit, live and work in.

Oddly, the protections we have worked to establish on land are largely irrelevant to the unexpected proposal to develop the first offshore wind energy plant in the United States, in Nantucket Sound. Because the developer has proposed this project in federal waters, most rules for state territory evidently don't apply to the offshore area known as Horseshoe Shoal.

From an environmental standpoint, the federal/state boundary designation is absurdly arbitrary. The entire Sound is integrally connected to the land. The fin-fishery and shell-fishery of the Sound, the birds that feed in and fly over the waters, the seals that breed nearby, the turtles that arrive from thousands of miles away and the occasional whales that pass through the area are part of a bioregion stretching from Buzzards Bay to Sankaty Head to Monomoy. State and federal regulators may stop and start at the three-mile limit, but the species that thrive in Nantucket Sound do not, and they deserve all the protection they would normally enjoy under state supervision.

Unfortunately, no coordinated management system is in place to protect the vast resources of Nantucket Sound. In sharp contrast to the landward reaches of the Cape and islands, no meaningful protections are in place beyond state waters offshore. But the potential negative impact of the Cape Wind power project on wildlife, recreation, navigation, fishing and shellfishing and aesthetics is astonishing.

The fate of approximately half the watery wilderness in our back yards is in the hands of the federal government, through U.S. Army Corps of Engineers, which has no experience with this type of project. The Army Corps has no plan or system in place for protection of environmental and economic interests, or for the public trust, in the face of impending offshore energy development along the Eastern Seaboard.

The analysis of the potential impact of the Nantucket Sound wind power plant is almost entirely in the hands of an energy speculator. The project developer is collecting, interpreting, and presenting all project data. These conditions must be rectified to protect the public interest before this project is permitted.

Nantucket Sound is in urgent need of long-term protection. While development of renewable energy sources is finally on the public agenda, we must put the groundwork in place so the unplanned, scattershot approach to land development, which we so deeply regret today, is not repeated on the water.

The Alliance to Protect Nantucket Sound is concerned with the Cape Wind proposal and seeks establishment of coherent state and national policies on offshore wind energy development. What we do for Cape Cod and the islands now can perhaps pave the way for optimal development of wind resources beyond our immediate borders.

As the next frontier of speculative development unfolds, my pledge is to provide the offshore resources and wildlife of Nantucket Sound with no less than the kind of protections we have fought for, and established, on land.

## **Let's Tell It Like It Is**

**Robert J. Walker**  
**West Hyannis Port**

I write in answer to Jim Gordon's response to Frank Linehan's September 1 letter questioning the adequacy of wind power when the wind does not blow.

FIRST OF ALL, the power generated - despite Gordon's hints to the contrary - will not help provide lower energy costs to Cape Cod. Instead any power generated will be sent over more towers to a power grid where it will be sold to the highest bidder on the mainland.

SECOND, as on other wind plants over water in Wales, Denmark and experiments in Europe, electric rates from wind towers have gone up not down. The reasons, say energy experts, is it costs a lot more - up to 50% more - to build and maintain wind turbines over water - than it does to service wind or other sources of power on land (where it belongs).

FINALLY, Mr. Linehan's Claims do illustrate the need for further research before we destroy the Sound with an unnecessary power plant. But the science should come from an unbiased source like the Federal Energy Department engineers... not from self serving corporate pirates eager to exploit the public water for private greed.

AND OH YES, Mr. Linehan is also right that there are many days - even weeks - when the wind does not blow hard enough to power anything. These are the days when the birds have a better chance of flying through the 170 bird shedding towers without being decapitated.



## The dark sides of wind power

By Eleanor Tillinghast

Noise may not be your first concern when looking at wind turbines, but for neighbors, it is tormenting. Dave Pevec, who lives more than a quarter-mile from the Waymart wind power plant in rural Pennsylvania, complains that the noise keeps him awake at night.

"It sounds like an airport ... my peace is gone forever."

Lou Orehek, whose family lives nearby, says, "It is the opinion of members of my family that the windmills generate a low frequency 'grind'... and this noise travels more than 7,000 feet."

In New York, Pastor Kathleen Danley lives two good-size fields from the Fenner wind-power plant, and describes the noise as "a loud clothes dryer; that would probably be the closest sound, that constant turning sound."

She explains, "We were told that the windmills had been redesigned so as not to be noisy, but the grinding noise goes on 24 hours a day (when they are operating) and at times is far worse than other times."

In Michigan, Kelly Alexander lives a quarter-mile from the Mackinaw City turbines. The low frequency sound creates a drumming that penetrates the walls of his home. Even with doors and windows tightly closed, there is no way to escape it. His 80-year-old mother lives next door. The noise keeps her awake at night.

Sister Chris at St. Anthony's Catholic Church, more than a mile to the north, says that when the turbines are started up, she can hear a loud whoosh that is startling.

In West Virginia, Paula Stahl describes hiking up to the Mountaineer turbines. "The noise was incredible. It surprised me. It sounded like airplanes or helicopters. And it traveled. Sometimes you could not hear the sound standing right under one, but you heard it 3,000 yards down the hill, where the wind carried the sound."

Waymart and Fenner have 1.5-megawatt General Electric turbines like the ones planned for the Hoosac wind power plant in the towns of Florida and Monroe, Massachusetts. The Mountaineer turbines are the same size. The Mackinaw turbines are slightly smaller.

Sunlight strobing through spinning wind-turbine blades is also distressing to neighbors. "When the sun is setting, it shines through the blades, causing severe flashing in our house," complains a homeowner near the Lincoln wind-power plant in Wisconsin.

"We get a 'strobe effect' throughout our house and over our entire property (40 acres)," says a neighbor. Others add, "shadows are cast over the ground and affect my balance," and "shadows from the blades sweep over our house and yard and ruin our quality of life."

Physical reactions are pronounced. In England, where the effects of windpower plants have been widely documented, Dave Brierley, a former policeman living in Cumbria, says, "I live 1,000 meters south of the wind farm and my wife, who is asthmatic, gets very distressed when the wind is coming from the north because she can feel her breathing trying to synchronize with the thump of the blades."

A newspaper article titled, Wind farms 'make people sick who live up to a mile away' reports on the findings of Dr. Amanda Harry: All but one of 14 people living near a wind-power plant in

Cornwall have experienced increased numbers of headaches, and 10 said that they have had problems sleeping, and suffered from anxiety.

She says, "People demonstrated a range of symptoms from headaches, migraines, nausea, dizziness, palpitations and tinnitus to sleep disturbance, stress, anxiety and depression."

People living near wind turbines aren't the only ones affected. Constantly flashing lights on turbine hubs can be seen for miles. One observer of the Waymart facility describes "the multitude of red blinking aircraft warning lights that now trace across the ridge top at night."

Federal law requires Enxco to fit the 20 Hoosac turbines with flashing white lights during the day, and flashing red lights at night.

What about the effect on property values? Despite claims by wind-power supporters that turbines have no depressive effect on nearby home sales, there's a lot of evidence to the contrary in areas where the landscape is the attraction. At a public meeting on Enxco's proposal for a wind power plant in Lowell, Vt., a Realtor trying to sell a farm near the site told a company representative that his assertion that land values won't decrease is 'ludicrous.'

Don Maclure said that when he tells people interested in buying the farm about the proposed project he never hears from them again.

In England, newspaper articles highlight the problem with such titles as "Wind turbines made our home unsellable," "Wind farms stunt growth of property value," and "Potential losses could run into millions."

People in Florida and Monroe voted for the Hoosac project before they had a chance to learn about its effects. Their neighbors on Tilda Hill Road and nearby areas will undoubtedly suffer.

Sportsmen and hikers will notice the noise, vibration, sun strobing and flashing lights. Snowmobilers and skiers will risk ice hurled from spinning blades.

Residents of Clarksburg, North Adams, and Williamstown will be unable to escape the visual blight of the magnificent Hoosac range. How will the towns of Florida and Monroe compensate all those people for the damage to their quality of life?

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*Eleanor Tillinghast of Mount Washington is co-founder of Green Berkshires Inc., a group formed to oppose wind-power projects.*

Source: [http://www.thetranscript.com/Stories/0\\_1413\\_103~9043~2674703\\_00.html](http://www.thetranscript.com/Stories/0_1413_103~9043~2674703_00.html)

Letters to the Editor  
*The Boston Globe*

My husband and I recently traveled by water to Nantucket, and after passing near the experimental wind structure on Horseshoe Shoals we both asked the same questions:

1. Why are we giving away a public resource to a private contractor so that he can make a profit from the public loss?
2. Given the dismal failure of the Commonwealth to monitor engineering projects involving water (see Big Dig example) why would we even consider entrusting a firm to erect windmills in a hostile saltwater environment?
3. If Cape Wind is serious about providing wind power to the Cape, why isn't it making efforts to purchase land for wind towers instead of seeking a free handout of a valuable and beautiful stretch of water that presently gives solace and pleasure to the larger community?

We should all be asking for answers to these same questions before we lose a treasure that presently enriches the lives of anyone rich or poor who chooses to visit the towns surrounding Nantucket and Vineyard Sounds.

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## MA fishermen speak out against wind farm in Nantucket Sound

BOSTON, MA - Massachusetts fishermen were among the hundreds of people who turned out for US Army Corps of Engineers public hearings in December on the Cape Wind Associates proposal to build a wind farm in Nantucket Sound.

The huge industrial energy project would entail the construction of 130 windmills, each 417' tall, on Horseshoe Shoal spread over a 24-square-mile area.

The Alliance to Protect Nantucket Sound, one of several groups opposing the project, calls the area "one of the richest fishing grounds on the East Coast" and contends that placement of the turbines will block access to fishing grounds that provide as much as 60% of the annual income of some local commercial fishermen.

The Massachusetts Fishermen's Partnership (MFP), an umbrella organization of 17 commercial fishing associations, has gone on record as strongly opposed to the project.

But the partnership and everyone else against the wind farm have their work cut out for them. In November, the Army Corps of Engineers issued a 3,800-page draft environmental impact statement (DEIS) that basically said the Cape Wind proposal will have few detrimental effects on the environment and will provide benefits in terms of energy, jobs, and air quality.

### DEIS dead wrong

MFP representatives, including president and fisherman Ed Barrett, fisherman Ron Borjeson, and executive director David Bergeron, all testified at hearings that the corps got its assessment wrong, especially in terms of how the project will affect fishermen.

Referring to a study MFP recently conducted with the Massachusetts Institute of Technology, Borjeson said, "The comments reported in the study show that commercial fishermen will be negatively impacted and not just 'inconvenienced' by the construction of

this facility. I should know; I am one of those fishermen."

Bergeron explained further.

"According to experienced mobile gear fishermen, the spacing between the wind towers will make mobile fishing gear navigation impossible," he said. "In addition, indirect adverse economic, environmental, and safety impacts are likely to result from crowding fishermen who fish other areas in Nantucket Sound."

Barrett stated that the MFP does not believe the Army Corps is the appropriate agency to assess the project's impacts on fisheries or essential fish habitat.

"This type of assessment needs to be conducted by an agency with appropriate technical expertise such as the National Marine Fisheries Service or the Massachusetts Division of Marine Fisheries," he said.

Chatham weir fisherman Shareen Davis, who is currently on the staff of Save Our Sound as an outreach worker, organized a late-November press conference in Hyannis, which was attended by Angela Sanfilippo of the Gloucester Fishermen's Wives Association, to demonstrate the extent of fishermen's concerns over the project.

### Comment period

The fact that the Army Corps attached only a 60-day comment period to the massive DEIS document outraged many members of the public in the affected Cape Cod and Islands region. The corps did eventually agree to extend the comment period by 45 days.

As a result, the deadline for public comment is now Feb. 24.

For more information, contact Shareen Davis at Save Our Sound: phone (508) 775-9767; e-mail <shareen@saveoursound.org>; or web site <www.saveoursound.org>.

The Army Corps of Engineers web site address is <www.nae.usace.army.mil>. /cfm/



From left, Angela Sanfilippo of the Gloucester Fishermen's Wives Association and Chatham weir fisherman Shareen Davis, who is currently on the staff of Save Our Sound as an outreach worker.

## Guest Column

Continued from page 7A

Stevens Fishery Conservation and Management Act, the number of days that commercial fishermen can fish has been reduced dramatically, and fishing grounds have been closed for part of the year in order to protect both the fish and the ocean habitat.

For the last seven years on Stellwagen Bank, Block 125 has been closed to fishing for seven months of the year in order to preserve the integrity of fish stocks. At present, it is closed four months of the year to protect spawning fish and because it has been designated an essential fish habitat.

If this project goes forward, fishermen will no longer be able to fish there at all and the conservation efforts and fishing industry sacrifices that have taken place over the last three decades by fishing communities will have been for nothing.

### Stellwagen sanctuary

Also, the proposed facility in Block 125 is one mile from the Stellwagen Bank National Marine Sanctuary.

In 1986, both commercial and recreational fishing industry advocates lobbied to protect Stellwagen Bank by having part of it declared a Marine Sanctuary. This facility will be located right next door!

The LNG tankers that will be unloading nearly 365 days of the year will be 1,000' long or the equivalent of more than three football fields.

The Gloucester fishing fleet is made up of small boats 30-60' in length, most of which fish primarily on or near Stellwagen Bank. How will they be protected from being split down the middle in good or bad weather by these enormous tankers? The tankers will not even know they hit them.

### Bitter ironies

The third reason to oppose this project is that pipeline construction will disrupt the ecosystem. Massachusetts Bay lobstermen have already seen the guarantees of minimal impacts from the Hubline project vanish when construction fell behind schedule.

Problems were encountered on the seafloor that were not anticipated by the companies. This will almost certainly happen again if they are allowed to move forward with this gas pipeline.

Is it not ironic that fishing vessels such as draggers and scallopers are constantly accused of destroying the ocean bottom with their fishing gear but trenching a path large enough to bury 11.5 miles of pipeline on the ocean bottom is not considered destructive of the habitat?

Is it not ironic that lobstermen and gillnetters must bring up their pots or nets if a whale is spotted so the whales don't get caught in them but LNG tankers can travel freely throughout areas where whales feed with no thought for the possible impact of these huge tankers on the whale population?

Is it not ironic that commercial fishermen must get permission each day from the National Marine Fisheries Service to use the fishing grounds and can be denied access to them but multimillionaires who have the resources can propose such a project with no thought given to the preservation of the ocean as a resource, the possible danger to local communities, or the destruction of people's livelihoods?

### Join with us

In conclusion, fish are a renewable resource that, with proper attention, can be there forever. In recent years, the commercial fishing industry has been reduced drastically in order to preserve the Atlantic Ocean for future generations. Natural gas is a finite resource and will someday be depleted leaving only debris and contamination in its wake.

It is our responsibility to supply the nation and the world with fish for food, so it is our responsibility to protect the ocean that gives us that food and to remember that fisheries are a renewable and fragile resource.

This is why the Gloucester Fishermen's Wives Association invites all in the community to join with us in opposing this project.

Angela Sanfilippo



virtually at the very center of the core Piping Plover breeding range on the Atlantic Seaboard.

Although it would be difficult to document, we feel with virtual certainty that some plovers must fly through the Project Area at times and any impact to this population due to collisions would not be acceptable.

We believe that closer study will likely reveal that substantial numbers of seabirds and other diving seabirds (such as loons and grebes) are present at Horseshoe Shoal for long periods during winter months.

As with terns, the presence of wintering seabirds is likely to exhibit substantial variability due to tidal conditions, prey availability and daily movements to and from feeding grounds. Further, there may be variations in actual on-the-water bird use of the Project Area and movements of birds over the Project Area between and within seasons and years.

The Project Area may be in or near a night roosting area for significant numbers of Long-tailed Ducks. Each evening during the winter, flocks move northward from the open ocean into Nantucket Sound, passing over the western end of the island.

Numbers have been estimated at about a quarter million birds, a wintering concentration of global significance. The exact location where these birds settle for the night is unknown. The movement of this important group of seabirds should be better understood, including any variations of cyclicity in spatial and temporal distribution patterns both within and between seasons/years, before the risks to this population can be properly evaluated.

Millions of birds move across Nantucket Sound each year. Of particular concern would be impacts to migrating flocks of shorebirds. Globally significant foraging and staging shorebird concentrations occur nearby at Monomoy Wilderness Area and South Beach, both in Chatham. The exact amount of shorebird traffic passing over Horseshoe Shoal is unknown.

We are also quite concerned by the magnitude of this proposal, especially in light of the facts that is has essentially no historical precedent and little is known about what effect, if any, the turbines will actually have on all migratory birds. Assuming good information on abundance and distribution are gathered, the issue of the actual impact must be addressed by a thorough risk assessment.

We have serious doubts, given the great variability exhibited by the movement patterns of birds generally, lack of precedent, and general absence of information on predicted mortalities, whether an acceptable risk assessment is even achievable.

We appreciate the opportunity to comment on this project.

Sincerely,

— Bradford G. Blodgett  
State Ornithologist

Birds contribute immeasurably to the outdoor experience and the quality of life in Massachusetts. We believe this project needs to be very thoroughly evaluated in light of its potential risk to migratory birds. We have discovered no systematically collected information on birds in the vicinity of Horseshoe Shoal. Winter waterfowl surveys conducted by this agency — focusing on dabbling ducks and bay ducks — are conducted almost exclusively within a mile of shore.

Passenger ferry routes pass to the eastward. There is totally insufficient information from this area on which to base any meaningful risk assessment. We are quite concerned that the ENF's preliminary conclusions that avian risks are small or that bird use in the area is low are very premature and are based on inadequate data or no data at all.

We cannot agree that available evidence supports the ENF's statement, "The probable absence of high use by birds is most important. Few species will be present or present long enough in the Project Area for significant risk to occur." We know of no data that could possibly support such a statement.

Our concerns are focused on three major groups of migratory birds: (1) listed species, including the Common Tern, Roseate Tern and the Piping Plover; (2) wintering seabirds with particular concern for the Longtailed Duck and other seabirds; and all other migratory birds with particular concern for "shorebirds" and song birds.

Although we are concerned about both Common and Roseate Terns, the endangered Roseate Tern is of particular concern. Intense multiagency efforts are currently underway — including seasonal restoration programs at Bird Island-Marton, Ram Island-Mattapoiset, Penikese Island-Cosnold, Muskeget Island-Nantucket and at Monomoy Island-Chatham — to recover the depressed northwest Atlantic population of this seabird. Note that these restoration efforts literally surround the Horseshoe Shoal.

Over the last 100 years, approximately half of the Northwest Atlantic breeding population of the Roseate Tern has occurred in southern Massachusetts waters between Chatham and Buzzards Bay. The restoration efforts also place great emphasis on restoration of colonies of Common Terns at the same sites noted above; Roseate Terns will only nest in large colonies of Common Terns.

One of the factors identified by the Roseate Tern Recovery Team that may contribute to this seabird's rarity is the highly specialized feeding conditions and unique foraging skills required to exploit their prey.

Massachusetts supported approximately 500 pairs of nesting Piping Plovers in 2001, the largest breeding group (35%) of Piping Plovers in the Atlantic Coast population.

Intensive recovery efforts here have largely driven improvement in plover numbers. Horseshoe Shoal is

## ON WIND, BIRDS MATTER

The following letter was originally sent to Robert Durand, Secretary, Executive Office of Environmental Affairs, and is reprinted here at the author's request.

Part 2 of The Independent's six-part series on the wind farm continues this week on page 11.

## Dear Secretary Durand:

We have reviewed the Environmental Notification Form (ENF) for the Cape Wind Energy Project and have serious concerns centering on the potential risks to migratory birds posed by the installation of an array of wind turbines at Horseshoe Shoal in Nantucket Sound.

The installation of turbine towers in this section of Nantucket Sound could have potentially devastating impacts on globally significant populations of migratory birds moving in and out of Massachusetts, as well as between Cape Cod and the islands. We are especially concerned about adverse effects to three major groups of birds: (1) rare species protected by federal and state endangered species laws, (2) wintering seabirds and seabirds, and (3) migrating shorebirds and songbirds. Migratory bird resources are an integral part of the natural environment.

Our state is richly endowed with birds. Massachusetts waters, at different seasons of the year, harbor globally significant populations of seabirds. In addition, as a seaboard state, great numbers of birds migrate north and south along our coast.

# Society Sides With Island Commission, Calling for Halt to Cape Wind Process

By ROB KENDALL

THE VINEYARD CONSERVATION SOCIETY WELCOMES the Martha's Vineyard Commission's request that the U.S. Army Corps of Engineers set aside the Cape Wind proposal until the federal government enacts an adequate regulatory framework for offshore commercial development. As our executive director, Brendan O'Neill, asked rhetorically at the Corps' public hearing on Martha's Vineyard in early December of last year: "If there are to be more of these offshore wind developments slated for the eastern seaboard, does it make sense to address them in isolation, or within some kind of guiding regulatory principles or framework?" We agree with the commission that such applications should not be considered in isolation. While some form of wind development may well be appropriate for the waters near the Cape and Islands, the largest such development in the world should not be slipped into the heart of Nantucket Sound through a regulatory crack in the door.

The developers like to say it's "our wind farm" and "our future," a characterization with which we might differ, given that both the electricity and the profits are headed elsewhere. One thing we do know is that it is our Sound. Our heritage. Our responsibility.

For forty years the VCS has promoted the broadest pos-

sible definition of conservation, including habitat, open space, community character, and conservation of energy. We know how vital it is that we change our means of energy production and our habits of egregious consumption, and we have acted in the past on many fronts to promote such change. But we also know that if a major wind development is appropriate for Nantucket Sound, it will still be appropriate in the year or two it will take for Congress to enact rules similar to the ones that currently exist for oil, gas, and other offshore activity.

Most of all, we are dead certain that if the proposed development turns out to be inappropriate, and we citizens of the Cape and Islands allow it to be rushed into Nantucket Sound without adequate oversight, we will regret it forever and will have failed in our duty as stewards of this most beautiful and precious corner of the planet. The Army Corps' public comment period ends on Feb. 24. VCS encourages you, regardless of your position on the Cape Wind development, to get involved and make yourself heard.

For more information, visit [www.vineyardconservation.org](http://www.vineyardconservation.org).

*Rob Kendall is president of the Vineyard Conservation Society.*

Vineyard Gazette  
2/14/05

# The Sandwich Enterprise

## Opposed To Wind Farm For Cape

As a local Realtor who has been in business for more than 20 years, I feel the proposed wind farm on the shores of Nantucket Sound has disastrous aesthetic, environmental, and economic implications for Cape Cod's landscape, property owners, and visitors.

This project poses a threat to property values. Additionally, the wind farm would most certainly have negative impacts on the fishing experience in Horseshoe Shoals. I continually hear and read about the proponents' spin on the project delivering a clean source of alternate energy to a growing Cape population.

Specifically, the minimal power produced by the wind farm will go directly into the New England power pool and be sold to the highest bidder. There is no guarantee that this power would be used here on the Cape.

As far as I am concerned, the jury is still out on wind power as a reliable energy source. Some of your readers may recall a startup company called Pinson Energy, which was to produce wind power. This company never got off the ground. I wonder how anyone can call this type of power "clean" when within a few years Horseshoe Shoal will be known as the "Graveyard of Nantucket Sound" after the massive towers will have been abandoned.

Will someone please help me distinguish the difference between the negative impacts of placing oil-drilling rigs in Georges Bank and installing windmills along the pristine shores of Cape Cod? There are certainly many other less-populated areas that we can consider while we simultaneously seek the appropriate source of energy.

Please derail this project now before we regret it in the future.

Jamie Regan

Owner/Broker  
Century 21 Regan Realtors  
Mashpee

# The questions are blowing in the wind

IT SHOULD surprise no one that the environmental community supports the increased use of alternative energy to reduce our reliance on fossil fuels. What has surprised many observers — particularly those off Cape Cod — is that the environmental and wildlife protection community is not falling into line to support the massive Cape Wind project being proposed for Nantucket Sound.

Wildlife protection advocates need to be taken seriously. Concerns that the turbines will turn a migratory path for a half-million birds into a potential killing field are very real. Nantucket Sound, designated as an essential fish habitat, has evolved into the open sandy shoal that we know today. Disturbance by construction and conversion to a habitat dominated by structures could wreak havoc on fish, marine animals, and the organisms they feed upon.

The environmental issues that have been raised about the project need to be dealt with up front, not after the fact. The impact on the fishery is not a casual concern. The private use of public land is not an inconsequential issue. And the central question — How much energy are we really going to harness, and at what price? — needs to be fully explored before we start drilling into the seabed.

Land use advocates are concerned that while we have been protecting the land from development, 170 40-story structures are being proposed for the sea around us. And unlike developments on land where zoning, building codes, and land use policy are de-

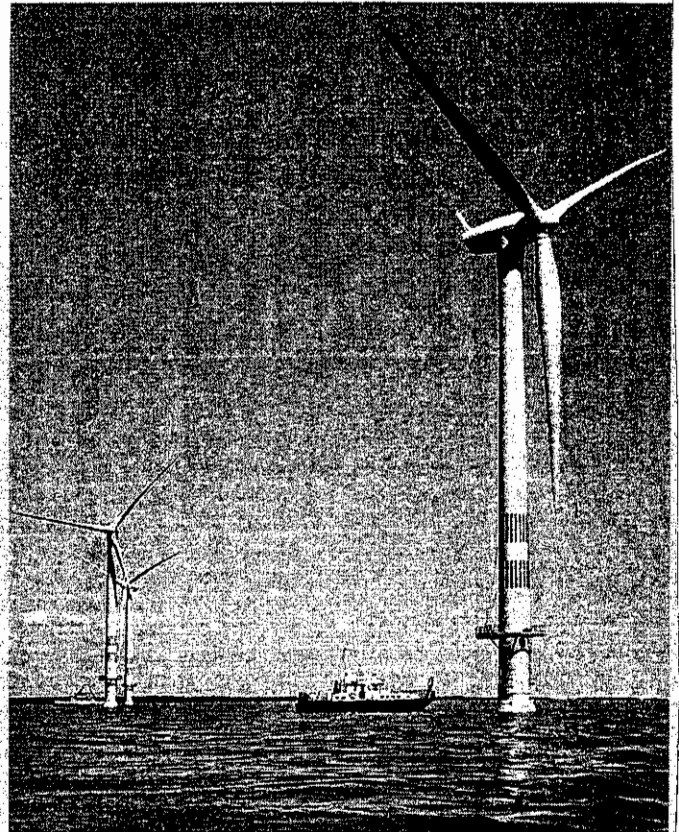
signed to protect our fragile resources, in Nantucket Sound there are no such controls.

What has gotten lost in the promotion of this energy project is the need for a state and national policy about wind power development — particularly offshore, industrial-sized energy plants.

Even as the Army Corps of Engineers seems to be fast-tracking the Cape Wind project, it admits that it doesn't know whether Horseshoe Shoal is the best location for these turbines. Making that determination is really not the corps' mission, but surely it is an issue that the public has a right to address before Cape Wind gets carte blanche to occupy 28 square miles of a public resource.

Some in the environmental community support the project because they believe it would reduce the use of fossil fuels. But where is it written that the "green" energy generated here will replace the "dirty" energy currently being generated? Wind turbines don't work where the wind is unreliable and intermittent, so oil, gas, and nuclear facilities will need to remain on standby, not replaced.

Many in the environmental community have labored long and hard on protecting our ocean preserves. Will the power these turbines generate in the middle of Nantucket Sound really offset the cost to our ocean habitat? Is the dedication to alternative energy so intense that it effectively discounts all the other environmental values that would be sacrificed if Nantucket Sound and other fragile areas are industrialized?



CAPE WIND ASSOCIATES

Photo rendering of Cape Wind towers in Nantucket Sound.

Can we be indifferent to the fact that such offshore wind proposals are proliferating around our coast without any program or set of standards to guide their development? Aren't we concerned that there is no authority for the federal government to grant the property interest in a manner that would protect the public trust? Should the Cape Wind project be allowed to set the precedent?

Is alternative energy so important that all of these other considerations are purely secondary?

What we don't know about the Cape Wind project outweighs what we know a hundredfold.

There is a growing view among people who could be backers that this project is too big, too rushed, and located in the wrong place.

Proponents of the Cape Wind project don't have the support of the environmental and wildlife coalitions or the vast majority of Cape Cod residents and visitors.

Sadly, the result of this controversy may well be that the alternative energy movement will be set back because of its disregard for other environmental issues and for an open public process.

*Jaci Barton is executive director of the Barnstable Land Trust.*

Cape Cod  
Times  
Dec 10, 2002

12/10/02  
**Establish policy first,  
then build wind farms**

There can be no question that the United States must develop renewable energy and that wind farms will be a big part of the future energy picture. What has yet to be decided is who will provide oversight of the permitting process, and whether the best interests of the American people will be observed. As has been stated before, the United States has no national policy on the installation of offshore wind turbines.

The current proposal by Cape Wind is twice as large as any currently operating wind farm in the world. There are no hard data available that can tell us the effect of an installation this size on any number of concerns, environmental, aesthetic or economic. It well may be there will be no effect or very little effect on any of these concerns. But there should not be a rush to judgment.

This project may become the first offshore wind farm installation in the United States, a precedent for all offshore wind farms in the future. We should be sure it is done right the first time.

**JOHN H. McCORMACK Jr.**  
South Yarmouth

# Cape Cod Times

Here are excerpts of editorials from 2002:

## ■ Wrong place for a wind farm

**Jan. 20:** Wind power holds a romantic appeal for many of us. Producing energy in a way that doesn't harm our Earth seems so right.

But that doesn't mean we should blindly follow the first proposal that comes along.

A serious examination of a plan to construct a colossal industrial power plant just off our beaches reveals a bad idea...

Cape Wind of Boston and Yarmouth has proposed a farm of 170 windmills, each about 40 stories tall from sea level to the upper tip of a blade, just five miles off our Mid-Cape beaches...

There's been very little research into identifying appropriate sites for wind farms off the East Coast. Unlike Europe, where governments have identified areas where wind farms are banned, the U.S. government has failed to lead the way.

Serious regulatory gaps exist here. We need a procedure such as the one established by the Department of Interior when it leases offshore tracts for natural gas and oil exploration. Until such a process is established, the construction of an offshore wind farm site could happen by default rather than through careful negotiation among various interests, such as the fishing industry and environmental groups.



# OPINION

**CAPE COD TIMES**

*The Cape and Islands' Daily Newspaper*

WEDNESDAY, FEBRUARY 26, 2003

## A wind farm on Nantucket Sound

### Energy collaborative seems disingenuous

I find it very difficult to reconcile the Energy Collaborative's statements of concern about climatic changes with their apparent lack of concern for the environment of Nantucket Sound.

The proponents' biggest argument for the wind farm is the reduction of pollution by using the renewable energy of the wind in Nantucket Sound. This past October the Cape Cod Times published a report by the U.S. Park Service listing the Cape Cod National Seashore in the top 10 parks with the highest air pollution. I am not aware of any plan to decrease the electrical production by the coal-fired plants in the Midwest, which is the main source of our pollution, to equal the amount of electricity produced by the wind farm.

As far as I can determine, the only purpose of the wind farm is to produce more energy, which, ironically, would be powered by our prevailing southwest wind, which brings the air pollution to us from the Midwest.

The collaborative may think it acceptable for a private business enterprise to use public land without incurring any cost, but I do not. I doubt Cape Wind could even consider its project on "dry" public lands without expecting to pay for using the land.

**FRANCES S. PARKS**  
Marstons Mills

### Midwest fouls our air, put windmills there

Power generated by wind, heat exchange, solar and other passive energy sources is critically important in minimizing the use of fossil fuels, outrageous foreign payments and airborne toxic

pollutants.

Wind turbines belong in the Midwest, which is the source of the noxious and toxic contaminants we breathe. Burning less oil and coal for electricity in the industrial heartland is important for the nation - especially those of us downwind on the East Coast.

Wind turbines in Nantucket Sound make little sense except as an impractical token of a truly noble purpose. Sandwich, Salem and the other generating plants of the infamous five would still spew gaseous and particulate waste, which join that flowing from the Midwest. As now planned, there would be absolutely no economic advantage to those of us on the Cape and islands.

There is only one situation in which wind turbines in the sound could possibly be justified: Rates for electricity could be substantially reduced if a wind farm were operated as a nonprofit public utility. Cheap electricity could perhaps compensate for enduring the unfortunate presence of monstrous turbines marring the beauty and water of Nantucket Sound.

Paraphrased advice: Go west young turbines - you could really make a difference there.

**LAWRENCE S. SPIEGEL**  
East Sandwich

# Cape Cod Times

## Use 1 percent of shoal, and ruin 100 percent

I chuckled at Cape Wind's propaganda that the wind turbines will use only (emphasis mine) 1 percent of the 25 square miles of the Horseshoe Shoal site.

How stupid must Cape Wind think Cape, Vineyard and Nantucket residents are? It may be true that the sum of the area of each wind tower's individual footprint adds up to 1 percent of the 25 square miles, but that 1 percent will be diluted all over the place, creating one monumental eyesore. Anyone who has seen the California wind farms near Palm Springs and in Tehachapi can never forget that stomach-turning sight.

One issue I've not seen fully explored is the bird-kill hazard. When driving through the wind farm at Tehachapi, my wife and I saw dead birds dotting the landscape. Given the above 1 percent ploy, Cape Wind's PR response to this probability is predictable. "They're only sea gulls."

PETER KUSHKOWSKI  
Haddam, Conn.

## Off Cape shores seems odd site for wind farm

This offshore wind farm proposal strikes me as a totally blindsided, poorly researched, knee-jerk idea based on the fact that the Europeans are doing it. Those European countries simply cannot afford land space. Denmark, Ireland, England, Germany and mountainous Norway and Sweden all are severely restricted by a lack of onshore sites. Naturally, offshore is their only alternative.

Maintaining 170 large windmills offshore is going to be extremely costly. There will be times when sea ice, high wind and other natural conditions will prohibit keeping them running at peak efficiency. There goes your contribution to the power grid.

Where would I put 170 windmills? On land would be my first priority, and they don't have to be on Cape Cod necessarily. All this generated

power will be attached to the power grid, so location is not important from that standpoint. If Cape Cod, on land, satisfies all conditions, let's look at it. I'd consider the closed landfill sites, government land, along the Cape Cod Canal and elsewhere.

The long-range approach to wind energy will require many more than 170 windmills and an area for larger than Horseshoe Shoal.

DICK MULLIN  
East Dennis

## Why not put wind farm at Grand Canyon's rim?

Location, location, location. It's not a case of NIMBY. Nor am I in denial about the critical need to develop clean energy sources. Heck, I'm a tree hugger!

But dotting Nantucket Sound with wind generators when more than 70 percent of the globe is covered with oceans and seas? Why don't we string them along the rim of the Grand Canyon? Or mound some atop El Capitan in Yosemite? The wind really howls there.

The point being, Nantucket Sound is a national treasure and should be treated as such.

L. JOSEPH PRONE  
Sandwich

## Wind farm opponents: NIMFYs, not NIMBYs

As I listen to Cape Wind Associates try to deflect much of the controversy they have created over their wind park, it occurs to me that they could save themselves a lot of trouble by placing it farther out to sea.

What they fail to recognize is that Horseshoe Shoal is a place of unparalleled natural beauty that many people come to Cape Cod for and are unwilling to give up.

We opponents are being characterized as NIMBYs. However, this description falls short because it is not a backyard issue - it is a front-yard issue. Many opponents are unwilling to give up the Shoal because it is our front yard.

Therefore I propose a new acronym: NIMFY - Not In My Front Yard. If the developers were to move their project farther out to sea, they would allay the NIMFY objections.

JOE NEWILLARD  
Falmouth

## Hawaiian wind farm is desolate, noisy

The United States' largest wind farm, and the southernmost land point, is at South Point (Ka Lae) at the southern tip of the big island of Hawaii.

The wind farm, located a couple of miles north of this point, is powered by the constant 15- to 25-knot northeasterly trades (unlike the changing speed and direction of the fluky Nantucket Sound breezes).

The Kamae Wind Farm consists of acres of wind turbines, some working, some not, and others with blades strewn about the landscape. All of this is situated in a desolate, mostly undeveloped flat to slightly hilly green landscape within approximately 800 square miles of this southern part of the island. Few residences are near this isolated location, with the nearest town of Na'alehu located approximately 16 miles to the northeast.

Approaching, driving by and long after leaving these ubiquitous structures, my wife and I were constantly hearing this eerie and irritating humming noise. That unending din stayed with us long after we left the area.

We would never live anywhere such a development is being proposed a mere few miles away. Some people call it NIMBY. Our experiences call it sanity.

MICHAEL H. SHERWOOD  
Bourne



Wendy W. Benson

## MY VIEW

# How wind farm noise could hurt fish stocks

By RAYMOND BENSON

As responsible citizens we should all be interested in the environment. Air and water pollution as well as global warming are serious issues that require local, national and international attention.

We should, however, take the comments of Mark Rodgers, communications director for Cape Wind Associates, in perspective. His job is to promote the Horseshoe Shoal project, not protect the environment. And one aspect of this project in particular could have far-reaching repercussions.

## Noise.

Typically, turbines modified for the marine environment have gearboxes that allow a 10 percent higher rotational speed than the onshore version to produce about 5 percent more electricity. This modification can be carried out because noise emissions are not a concern with an offshore wind park.

At one such location in Norway, 6 kilometers off the coast, the onshore noise from the wind turbines has been calculated to be less than someone whispering - 15 decibels. However, in addition to audible noise, vibration transmitted into the ocean need to be addressed.

Noise is generated mostly from blade tips (high frequencies) and from blades passing towers and perturbing

the wind (low frequencies), as well as from gearboxes and other machinery. Since noise is essentially a sign of inefficiency, and because of complaints, manufacturers have reduced noise-generation intensities greatly over the past five years.

The critical noise intensity is usually considered to be 40 decibels or less, as judged necessary for sleeping. This level of acceptance is usually attained at distances of about 250 meters or less. Little research has been done on the effect of low-frequency vibrations transmitted through the tower structure to the marine environment.

Hearing and the detection of vibrations are the best-developed senses in most fish, which make use of the effective propagation of low-frequency sounds through water. The main sensory organs involved are the lateral-line system, which detects low-frequency particle motion in the water contacting the flanks of the fish, and the inner ear, located within the head of the fish.

The lateral-line organ is almost certainly involved in acoustic repulsion when the sound source is at close quarters (within a few body lengths of the fish), but the inner ear is thought to be the main sensory organ involved. The inner ear is sensitive to vibration rather than sound pressure.

Teleost species (bony fish that include sea bass and bluefish) have a gas-

Hearing and the detection of vibrations are the best-developed senses in most fish.

filled swim bladder that acts as a transducer, converting sound pressure waves to vibrations and allowing the fish to detect sound as well as vibration. Sensitivity to noise and vibration differs among fish species, especially according to the anatomy of the swim bladder and its proximity to the inner ear.

The proposed location for Cape Wind Associates wind farm, Horseshoe

Shoal, is one of the main feeding areas in Nantucket Sound for sea bass and bluefish. It has been suggested that the towers would act as an artificial reef and promote marine activity. In many areas, water structures such as artificial reefs made from sunken ships do promote habitat for small species of fish that attract larger fish.

These artificial reefs, however, are benign structures that do not produce acoustic noise. Acoustic noise and low-frequency vibration from wind farm towers could very well affect the feeding habits of our main species of commercial and sport fish and have a negative impact.

As responsible citizens interested in the environment, we must demand an in-depth study on the effect of acoustic noise as part of any plan to develop a wind farm on Horseshoe Shoal.

Raymond Benson lives in East Falmouth.

## Your Turn

Each month, the Cape Cod Times asks readers a timely question on a topic of community-wide interest.

This month's question is:

"Are you satisfied with the military's response to residents' concerns about PAVE PAWS?"

Send your opinions of 150 words or less to Your Turn, Cape Cod Times, 319 Main St., Hyannis, MA 02601 or e-mail us at [wrmlis@capecodonline.com](mailto:wrmlis@capecodonline.com).

Deadline for responses is 5 p.m. Friday. The responses will be published in the Sunday, Feb. 10, Forum page.

1/20/84

# The hidden part of the 'green' equation

By AUDRA PARKER  
While green energy is a worthy endeavor that merits our serious review and support, there is another part of the "green" equation that deserves a closer look.

Jim Gordon, the energy entrepreneur proposing to build 130 wind turbines in Nantucket Sound, is seeking to build an offshore power plant in exchange for increasing his bottom line. But is this equation in balance for the rest of us who will not only have to live with this industrial complex, but who will partly finance it through a series of subsidies and a public giveaway of land? Do the figures add up to a sound public investment of dollars?

On the \$800 million capital investment required to get the proposed wind power plant up and running, Cape Wind's own consultant's return on equity numbers suggest investors potentially

stand to make a profit of \$70 million per year. The \$25 million figure the same Cape Wind consultant claims the public is going to save in its annual electricity bills pales in comparison with Cape Wind's profit. Add in the public's cost to subsidize Cape Wind's business and it's apparent who really profits here.

Maybe Cape Wind's return will be somewhat higher or lower than \$70 million, but the question is why Mr. Gordon doesn't tell us what it really is.

The European experience with offshore wind power plants shows they are heavily subsidized and are a net cost to the public. In terms of impact on the Cape economy, the Beacon Hill Institute recently released a study showing potential losses of millions of dollars in tourism, thousands of jobs and more than \$1 billion in property values. The developer's economic benefit is obvious, but where is the public's?

The public is a partner in this business and has a right to see the business plan for the proposed project. Nantucket Sound and our tax dollars are our investment.

The project relies heavily on public subsidies and public land without paying any leases or royalties.

The public is Mr. Gordon's partner and should not be a silent collaborator. The people are entitled to see the plan and make sure it's viable and doesn't ever leave us with a nonoperational eyesore in the middle of Nantucket Sound. It's time for Jim Gordon to open the books and disclose information such as:

■ How much profit will Cape Wind receive annually?

■ Is the proposed project viable in the long term?

■ How much money could the public save in lower state subsidies if the renewable energy supply were land-based wind or from some other less expensive source?

■ How much will it cost to upgrade the transmission grid, and who will pay?

■ How much in bonded funds will be set aside in advance to take down 130 wind turbines if they no longer provide power or are obsolete?

In the final analysis, the public forfeits part of Nantucket Sound and pays tax bills for subsidizing Cape Wind's business, in return for meager savings on electric bills. The picture is aggravated by a potential loss in tourism revenue, local jobs and property values. Cape Wind and its investors will obtain free land, potentially \$70 million in annual profit, federal tax credits of \$28 million per year and additional state subsidies.

What is the real color of green?

Audra Parker is assistant director of the Alliance to Protect Nantucket Sound.

virtually at the very center of the core Piping Plover breeding range on the Atlantic Seaboard.

Although it would be difficult to document, we feel with virtual certainty that some plovers must fly through the Project Area at times and any impact to this population due to collisions would not be acceptable.

We believe that closer study will likely reveal that substantial numbers of seabirds and other diving seabirds (such as loons and grebes) are present at Horseshoe Shoal for long periods during winter months.

As with terns, the presence of wintering seabirds is likely to exhibit substantial variability due to tidal conditions, prey availability and daily movements to and from feeding grounds. Further, there may be variations in actual on-the-water bird use of the Project Area and movements of birds over the Project Area between and within seasons and years.

The Project Area may be in or near a night roosting area for significant numbers of Long-tailed Ducks. Each evening during the winter, flocks move northward from the open ocean into Nantucket Sound, passing over the western end of the island.

Numbers have been estimated at about a quarter million birds, a wintering concentration of global significance. The exact location where these birds settle for the night is unknown. The movement of this important group of seabirds should be better understood, including any variations of cyclicity in spatial and temporal distribution patterns both within and between seasons/years, before the risks to this population can be properly evaluated.

Millions of birds move across Nantucket Sound each year. Of particular concern would be impacts to migrating flocks of shorebirds. Globally significant foraging and staging shorebird concentrations occur nearby at Monomoy Wilderness Area and South Beach, both in Chatham. The exact amount of shorebird traffic passing over Horseshoe Shoal is unknown.

We are also quite concerned by the magnitude of this proposal, especially in light of the facts that is has essentially no historical precedent and little is known about what effect, if any, the turbines will actually have on all migratory birds. Assuming good information on abundance and distribution are gathered, the issue of the actual impact must be addressed by a thorough risk assessment.

We have serious doubts, given the great variability exhibited by the movement patterns of birds generally, lack of precedent, and general absence of information on predicted mortalities, whether an acceptable risk assessment is even achievable.

We appreciate the opportunity to comment on this project.

Sincerely,

— Bradford G. Blodgett  
State Ornithologist

Birds contribute immeasurably to the outdoor experience and the quality of life in Massachusetts. We believe this project needs to be very thoroughly evaluated in light of its potential risk to migratory birds. We have discovered no systematically collected information on birds in the vicinity of Horseshoe Shoal. Winter waterfowl surveys conducted by this agency — focusing on dabbling ducks and bay ducks — are conducted almost exclusively within a mile of shore.

Passenger ferry routes pass to the eastward. There is totally insufficient information from this area on which to base any meaningful risk assessment. We are quite concerned that the ENF's preliminary conclusions that avian risks are small or that bird use in the area is low are very premature and are based on inadequate data or no data at all.

We cannot agree that available evidence supports the ENF's statement, "The probable absence of high use by birds is most important. Few species will be present or present long enough in the Project Area for significant risk to occur." We know of no data that could possibly support such a statement.

Our concerns are focused on three major groups of migratory birds: (1) listed species, including the Common Tern, Roseate Tern and the Piping Plover; (2) wintering seabirds with particular concern for the Longtailed Duck and other seabirds; and all other migratory birds with particular concern for "shorebirds" and song birds.

Although we are concerned about both Common and Roseate Terns, the endangered Roseate Tern is of particular concern. Intense multiagency efforts are currently underway — including seasonal restoration programs at Bird Island-Manton, Ram Island-Mattapoisett, Penikese Island-Gosnold, Muskeget Island-Nantucket and at Monomoy Island-Chatham — to recover the depressed northwest Atlantic population of this seabird. Note that these restoration efforts literally surround the Horseshoe Shoal.

Over the last 100 years, approximately half of the Northwest Atlantic breeding population of the Roseate Tern has occurred in southern Massachusetts waters between Chatham and Buzzards Bay. The restoration efforts also place great emphasis on restoration of colonies of Common Terns at the same sites noted above: Roseate Terns will only nest in large colonies of Common Terns.

One of the factors identified by the Roseate Tern Recovery Team that may contribute to this seabird's rarity is the highly specialized feeding conditions and unique foraging skills required to exploit their prey.

Massachusetts supported approximately 500 pairs of nesting Piping Plovers in 2001, the largest breeding group (35%) of Piping Plovers in the Atlantic Coast population.

Intensive recovery efforts here have largely driven improvement in plover numbers. Horseshoe Shoal is

## ON WIND, BIRDS MATTER

*The following letter was originally sent to Robert Durand, Secretary, Executive Office of Environmental Affairs, and is reprinted here at the author's request.*

*Part 2 of The Independent's six-part series on the wind farm continues this week on page 11.*

### Dear Secretary Durand:

We have reviewed the Environmental Notification Form (ENF) for the Cape Wind Energy Project and have serious concerns centering on the potential risks to migratory birds posed by the installation of an array of wind turbines at Horseshoe Shoal in Nantucket Sound.

The installation of turbine towers in this section of Nantucket Sound could have potentially devastating impacts on globally significant populations of migratory birds moving in and out of Massachusetts, as well as between Cape Cod and the islands. We are especially concerned about adverse effects to three major groups of birds: (1) rare species protected by federal and state endangered species laws, (2) wintering seabirds and seabirds and (3) migrating shorebirds and songbirds. Migratory bird resources are an integral part of the natural environment.

Our state is richly endowed with birds. Massachusetts waters, at different seasons of the year, harbor globally significant populations of seabirds. In addition, as a seaboard state, great numbers of birds migrate north and south along our coast.



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### **True, wind is free - harnessing it is not**

In a Feb. 8 letter, Chris Sherman of Cape Wind Associates writes that Cape Wind will offset higher-priced sources of energy. While the market pricing mechanism he explains is technically correct, with Cape Wind bidding zero to represent no fuel cost, offshore wind energy is not a lower-priced source of electricity.

Wind is free, but the industrial structures required to harness wind energy - the turbines, transformers and cables - are not. In fact, offshore wind energy is roughly twice as expensive as gas-fired electricity to produce because of the large capital investment required.

The public needs to be aware the impact on the spot market Mr. Sherman describes is not the full cost of electricity the consumer would bear. The Cape Wind project would be heavily subsidized by the public through both the federal production tax credit, if it is renewed, and by Massachusetts green credits.

If we really want the cost savings and emissions reductions that Mr. Sherman promises, we should consider energy conservation programs to reduce our consumption of electricity and consider less expensive forms of renewable energy like land-based wind plants, which have a significantly lower capital investment.

Let the public interest, not the developer, drive this process.

AUDRA PARKER

Assistant director

Alliance to Protect Nantucket Sound

Water Jetties

### WIND STUDY REQUIRES TIME TO DIGEST

Cheers on your call to extend the comment period on the Cape Wind report! ("Let's not sail through comment period," Editorial Page, Nov. 12). You're right: this time of year is busy for Cape Cod families, and it will take more than 60 days to slog through even portions of the 4,000-page document.

A glance at the highly controversial report reveals a few claims that should be approached with skepticism. While the authors estimate that each of the 130 turbines may kill 2.8 birds per year, this death rate is not substantiated by data in the drab environmental impact statement, and the National Wind Coordinating Committee estimates that wind farms in the East kill substantially more birds than this. An accurate projection of bird kills would instead be based on data gathered in Nantucket Sound on the numbers of birds flying at the height of the turbine rotors.

A second cause for concern is the report's inclusion of what appears to be a botched analysis of the project's effect on marine life. For example, information on endangered whales and the contention that they face no risk from the hundreds of vessel trips through their habitat is directly contradicted by a recently released National Marine Fisheries Service plan that attempts to reduce the number of whales who die by being struck by vessels.

Those are a few of our initial thoughts — but we urge the public to read the wildlife portions of the report, rather than rely on predigested information from either side of this debate. That's going to take time. Sixty days is not enough.

Jessica Almy, wildlife advocate  
HSUS Cape Wildlife Center  
West Barnstable

Cape  
Cutter 11/26/04

Upper Cape Coddier 12/2/04

## REVIEW OF WIND FARM IS FLAWED

To the Editor:

I would like to register my objection to the Army Corps of Engineers' review of Cape Wind Associates proposal to industrialize 24 square miles of Nantucket Sound.

The massive project Cape Wind proposes is the first offshore wind energy project this country has faced. Currently, there are no federal laws that authorize the occupation of outer continental shelf lands by private developers or that regulate how and where such development is appropriate.

The federal government must first establish guidelines for the review of proposals such as Cape Wind's before any more development takes place. We must develop sensible standards that enable the appropriate federal

agency to weigh the benefits of a proposed project against its costs, which potentially include harmful environmental impacts, negative effects on the affected region's economy and degradation of an area's aesthetic values.

These public resources belong to all of us, and it is imperative that sensible laws be passed before any projects are approved. Wealthy private developers should not determine how or where the outer continental shelf will be developed. Without an established process by which the Army Corps of Engineers, or any other federal agency, can objectively and competently review these proposals, any consideration of Cape Wind's proposed wind plant should cease.

George Hamrah  
Marstons Mills

## Squandering unspoiled spaces

### To the Editor:

We would like to express our concern regarding the wind farm project. As lifelong residents of Martha's Vineyard, fishermen and environmentalists, we are very interested in alternative energy. First and foremost solar, which is developed and available and heats our home nicely with passive solar glass skylights and sliders facing south.

We firmly believe that alternative energy sources will become a necessity with dwindling oil reserves and reliance on foreign countries for our energy. The proposal, however, to use Nantucket Sound as an industrial power plant by a developer who is hoping to reap the profits by selling us energy from turbines built on land beneath the sea that they plan to obtain for free is simply shocking to us.

Wind power is an excellent idea in our view, but put them on land

not into the ocean. The idea of getting off the grid is nothing new, in fact, solar power has been around for a long time, and is available to anyone building a new home or interested in converting an existing one. If everybody paid a little attention and used the available alternatives for their homes, as individuals we could all be more self sufficient. Unfortunately, this does not translate into big bucks for the power companies, so they are unwilling to support it.

Before we squander our last

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Cape Cod Voice 12/2-15/2004

unspoiled spaces and trust those who will destroy the last beautiful areas, let's step back and examine what it is they are really after. Next time you take a walk at the beach, imagine looking at these mega-sized towers instead of the unspoiled open view to the horizon and please let your voices be heard in opposition of this horrible intrusion.

Elaine and Brian Vanderhoop  
Aquinnah

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## From flower power to wind power

To the Editor:

If electricity generated by inexhaustible, free wind were simply one option on a list of choices in which to generate power, the debate surrounding it would consist of a standard cost versus benefit analysis. Sadly, for the public, this is not the case.

During the 1970s, environmental groups, Time and Newsweek magazines and even Jimmy Carter were claiming that the world's oil reserves would be exhausted by the year 2000 and we were entering into another

Ice Age. During that same period, protesters brought our pollution-free nuclear power industry to its knees. In order for U.S. power companies to keep up with increased demand, natural gas became the acceptable fuel. Groups opposing nuclear and coal allowed gas-fired plants to be built with little resistance. It has taken many years for this grave mistake to be felt by the consumer. Put quite simply, natural gas is best suited for homes and business, while coal and nuclear are not. Hence, with environmental opposition to U.S.-based gas development, we have manufactured a shortage.

When analyzing wind energy compared to conventional methods, wind loses for a variety of reasons. Consistent reliability, the need for vast amounts of space, costly construction requiring heavy subsidy, appearance, noise and a high rate of bird deaths to name a few. Proponents of wind energy cannot sell it on the obvious merits of the term "renewable." They must peddle global warming, today's issue du jour. Since we flip-flopped from cooling to warming in 1988, the debate has taken a sharp turn from a healthy scientific debate to global international politics. There is much more to the issue of global warming than what is reported on the nightly news.

So, will we continue down the road of developing public policy based on bad science and extreme political views? Thankfully, what we do well far outweighs what we don't. The wealth that our free-market economy provides, allows us to press forward to create new, cleaner ways of using our abundant resources resulting in cleaner air every year. But, it also allows us to waste money on politically-motivated ideas that in the end, have little or no public benefit (such as our dump). France gets 80 percent of its electricity from nuclear power. With their high-tax, socialist government system, their economy would not allow for lots of tinkering with their electrical grid. How lucky we are to have so much money and space to waste.

Many who claim today's

war in Iraq is solely to satisfy America's appetite for oil have been waging a lifelong battle against using it for years. You may have noticed, many champions of wind power were once marching in the streets chanting "Flower Power." Our recent elections have shown that middle America has already figured that out. Unfortunately, we're able to afford to ignore it.

NAT LOWELL

Inquirer 12/2/  
Minor 04



## SET GUIDELINES FOR WIND FARM REVIEW

To the Editor:

I would like to register my objection to the Army Corps of Engineers' review of Cape Wind Associate, LLC's, proposal to industrialize 24 square miles of Nantucket Sound.

The massive project Cape Wind proposes is the first offshore wind energy project this country has faced. Currently, there are no federal laws that authorize the occupation of outer continental shelf lands by private developers or that regulate how and where such development is appropriate.

The federal government must first establish guidelines for the review of proposals such as Cape Wind's before any more development takes place. We must develop sensible standards that enable the appropriate federal agency to weigh the benefits of a proposed project against its costs, which potentially include harmful environmental impacts, negative effects on the affected region's economy and degradation of an area's aesthetic values.

These public resources belong to all of us, and it is imperative that sensible laws be passed before any projects are approved. Wealthy private developers should not determine how or where the outer continental shelf will be developed. Without an established process by which the Army

Register 12/2/04

Corps of Engineers, or any other federal agency, can objectively and competently review these proposals, any consideration of Cape Wind's proposed wind plant should cease.

George Hamrah  
Marstons Mills

## DEVELOP PROCESS BEFORE WIND FARM

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George Hamrah  
Marstons Mills

Cape Coddex  
12/13/04

## Nantucket Independent

12/8/04

Sound's environment, ruin the Cape's south coast beaches and in all likelihood significantly impact the Cape's tourist economy.

The wind farm will destroy all that is beautiful on the Cape's south coast. It will destroy the views that offer so many of us serenity.

It will create emotional chaos with the increased sound pollution and the protective lighting. It will be a danger to those of us that use the Sound for recreational boating. It will drive away our summer friends. This can't happen.

The simple fact that there will be a large oil tank in the middle of the sound is of tremendous concern to me. It is easy to imagine an oil spillage as the tank is being refilled or an oil leak caused by some vessel colliding with the tank.

This is extremely frightening to me because all along the Cape and Islands there is protected wildlife, which an oil spill would destroy. I am thinking about the terns. We have protected them for years, and now a developer wants to destroy them. This can't happen.

Please understand that I am not opposed to renewable energy sources, but I do not believe that the impact of this project to those of us that call this area our home is being considered.

There is a right place and a wrong place for this type of project. Nantucket Sound is the wrong place.

I urge you to do everything in your power to stop the efforts of Cape Wind to build a wind farm in Nantucket Sound.

### **OPPOSES WIND FARM**

**To the editor:**

The Cape Wind proposal to build a wind farm in Nantucket Sound will be disastrous for both the Sound and Cape Cod.

It has the potential to destroy the

— John De Young

Inquirer & Mirror 12/9/04

## Corps needs to listen to Cape, Islands voices on wind farm

Location.

Location.

Location.

That is the mantra that real estate professionals cite when they emphasize the value of property.

For Jim Gordon and his investors in Cape Wind, location is why Cape Wind will be a profitable venture for them - that and tax incentives. But the fact that this project is close to shore and in relatively shallow depths of the Sound and close to shore means that the cost of constructing this massive power plant will be minimized for Gordon.

At the same time, location is precisely what is wrong with this project in the eyes of tens of thousands of residents of the Cape and Islands who see numerous disadvantages to the construction of this wind farm in the middle of Nantucket Sound.

The Army Corps of Engineers was on island to listen to testimony about the wind farm from islanders and our state and local representatives. The voices were largely opposed to the wind farm. Here are the reasons why:

- It is a visual pollution of a national, natural treasure.

- It is a hazard to mariners, to the extent that a representative from the Steamship Authority likened it to a accident waiting to happen. The presence of all those towers will significantly restrict the maneuverability of vessels in that area in bad weather. And if we should have another winter like these last two - the ice build up between the platforms of each tower will make those waters nonnavigable.

- It is a hazard to aircraft - specifically to those general aviation aircraft flying VFR in situations which suddenly turn IFR.

- It is a danger to the habitat of marine life in that area and a disruption to the environment.

- It is a hazard to wildlife, especially birds. One individual in favor of the project said that no more birds would be killed than those killed flying into a skyscraper - but since when did we have skyscrapers in the middle of the Sound?

- It poses an economic disruption to a region of the U.S. that derives a good portion of its income from tourism associated with maritime pleasures. We don't buy the argument that people will travel to our area just to view the windfarm. They are not attractive.

We have until February 24 for our arguments to be considered by the Army Corps of Engineers. Send your comments to:

Karen Kirk Adams, Cape Wind Energy Project EIS Project Manager, Corps of Engineers, New England District, 696 Virginia Road, Concord, MA 01742-2751, or email comments to [wind.energy@usace.army.mil](mailto:wind.energy@usace.army.mil)

# Crafting Ocean Policy: A Critical First Step

By WILLIAM DELAHUNT

*What follows is the text of remarks made by Cong. William Delahunt at the Cape Wind public hearing on the Vineyard.*

I WANT TO THANK THE RESIDENTS OF THE VINEYARD for presenting their concerns on this important issue. Let me be clear. I support renewable energy—including wind farms. I have consistently voted for proposals that create incentives for renewable energy.

But I do not believe that in the effort to solve our national energy crises and address the profound concern many of us share about global warming that we should sacrifice our marine environment.

To abdicate our responsibility to protect a marine ecosystem of national significance such as Nantucket Sound is absurd and is a false choice.

It's rather ironic that you hold your first hearing today here on the Vineyard, the same venue where President Clinton signed into law the Oceans Act on a bluff overlooking Nantucket Sound.

That law was intended to create a new framework for better stewardship of our waters. The act was written in response to a recognition confirmed by the Oceans Commission that no coherent, thoughtful, adequate national ocean policy in fact exists.

I have authored legislation which I believe adequately responds to many of the concerns expressed in the report of the Oceans Commission.

So the suggestion that concerns expressed about the Cape Wind proposal being predicated on a NIMBY mind-set are untrue. This is about National Ocean Policy.

And by the way, Nantucket Sound is not our backyard. It is our front yard. It is not just a view for those living and working on the water. It is an economic engine. It is the heart and soul of our region. Furthermore, it's a national treasure.

The commonwealth recognized that as early as 1970 when the legislature created a state ocean sanctuary in order to protect it, to prevent the development of the Nantucket Sound seabed, and to protect the ma-

rine wilderness attributes of the area.

When it appeared that the commonwealth might lose control of the entire sound in a court battle, then Gov. Ed King and attorney general Frank Bellotti nominated Nantucket Sound including Horseshoe Shoal as a National Marine Sanctuary.

When the United States Supreme Court did carve out the "donut hole" in 1986, they did not for one minute suggest that it was not worthy of national and state protection.

The national sanctuary proposal put forward by the commonwealth was endorsed by an independent scientific panel and supported by biologists at the United States Fish and Wildlife Service and the National Oceanographic and Atmospheric Administration (NOAA). The proposed designation was not acted upon. But the sanctuary proposal itself clearly reflects the commonwealth's long term policy that Nantucket Sound is sacrosanct.

But even more fundamental is the issue of authority. Let's not lose sight of the fact that this is a public resource, that the waters and the seabed are owned by the American people.

One of the flaws in this process requires developers who file applications for Section 10 permits to provide only a written affirmation with no proof that they have a property interest in the site of the proposed project.

Under current Corps policy, the signature on a permit application is deemed sufficient enough proof of a property interest.

Cape Wind does not own Horseshoe Shoal and does not have a property interest. Only the Congress of the United States can convey any interest in public lands or waters such as Nantucket Sound.

So here we go. You are instructed by Washington to review any proposed use of our ocean regardless of its legality. Name your unauthorized use for our ocean. The sky is the limit. A casino, an offshore night club—I could go on. This is ludicrous. It would even be comedic if the area we were talking about were not such a national treasure.

The people of the Cape and Islands have led the nation in protecting its unique natural resources from inappropriate and unplanned development. We do not have to take a back seat to anyone when it comes to the cause of conservation. We have created the Cape Cod National Seashore, the Monomoy Wildlife Refuge, the Waquoit Bay National Estuarine Reserve, the Stellwagen National Marine Sanctuary, land banks and land use agencies on the Cape, Vineyard and Nantucket.

These conservation efforts represent not just huge victories for the protection of the Cape and Islands, but a reflection that the region possesses unique and fragile resources that are worthy of conservation.

The protection of our environment is something we are passionate about.

In spite of the widespread opposition to the proposal before you, I would argue that the vast majority of Cape and Island residents are quite supportive of renewable energy. Windmills are a part of our heritage. But let's do it right.

First, let's follow the recommendations of our Oceans Commissions. Let's legally authorize it, then let's craft a policy that properly guides it, creating zones in our ocean where it ought to be encouraged, with objective and independent planning, with open and real local involvement, and construction and monitoring standards that protect our wildlife and the marine environment, like we do for oil and gas development.

Then let's allow all companies to bid on the sites. Let's make the process transparent and make the sites available to all. Competition and entrepreneurship is a good thing.

Protection of the environment and entrepreneurship are not mutually exclusive and we have proved that on the Cape and Islands.

And unless we do this, I assure you that endless litigation will follow each and every project. Quite frankly nothing will get done.

Given the enormous benefits of renewable energy, that would be a real tragedy.

Vineyard Gazette

12/10/04

# Cape Wind War of Words Reinterpreted

Vineyard Gazette  
12/10/04

By BRAD WOODGER

**W**HAT'S THIS I HEAR ABOUT A WIND FARM? Plenty really, in light of the fact that I was one of maybe three people (out of an audience of three hundred) who did not weigh in at Monday's forum. In fact, I think that everything that could be said was said, but not by me. Therefore, allow me to add my wind to the wind. I'll be brief since I rarely read any letter that continues onto another page. I'll also bullet point my comments to save myself the effort of having to come up with transitional sentences.

**The Army Corps of Engineers:** I assume that these were the people sitting at the table on the stage, (I arrived 25 minutes late, no shuttle from the parking lot). They looked nice, and I understand that we should all endeavor to be polite, but did every speaker need to thank them for the opportunity to speak? Didn't the A.C.O.E owe us that opportunity? The magnitude of the wind farm proposal itself dictates the need for a period of public comment. But thanks anyway.

**Aesthetics:** Several proponents of the wind farm spoke to the aesthetic of the wind farm. Why, they queried, could we Islanders not expand our definition of beauty to include wind turbines? A couple old gentlemen sea salts expounded on the magic of sailing amidst these gentle giants. The Danes were oft referred to as converts to the turbine aesthetic. I was, by forum's end, willing to believe that should I visit the shores of Denmark tomorrow, I might find crowds of Danes and Dutch linked arm in arm, silently weeping at the sublime beauty of it all. Some of the forum's speakers had indeed been to Denmark, which seemed to lend them the credential of expert on European off-shore wind farms.

Others spoke of their encounters with the Island's own land windmills. They were "mesmerized" by the spinning blades, and greatly saddened by the de-commissioning of one.

I do not doubt the sincerity of these individuals. They

truly made a convincing argument for putting the wind farm into the context of a symbol for conservation goals. What if we were to view them not as obstructions, but as the artwork of a forward thinking nation, they asked. Ultimately however, I believe art is subjective. I will not tell you that the art that you hang in your house is ugly, but please don't nail it to my wall.

**The War in Iraq:** The audience (more specifically those of us who opposed the wind farm) were chastised by several speakers for being directly and indirectly responsible for sending young men to war. I won't give their tortured logic space here, except to say: No, shame on you.

**Our Children:** We were also reminded that if we failed to support the wind farm, we'd be doing a great disservice to our children. Firstly, I can't think of a generation yet that hasn't negatively impacted those to come, so please let's not be so appalled. Secondly, I'm more concerned with leaving our children with a wind farm, than with the tangential worry that we're somehow impeding the necessary progress to wind power. Thirdly, I still had room for the pro wind farm argument until I was subjected to this inane rhetoric. How dare you all equate our opposition with a callous attitude to our environment, our young men, and our children. There, I matched your outrage with outrage — we're even.

**Private versus Public:** A school teacher spoke to the issue of a private, for-profit business cloaking itself in the glorious blanket of conservation. Wind power! Who doesn't like wind power!? The fact is most everyone would be giddy about the turbines if they could say where they went and how they were managed. But without this input, we're forced to reconcile someone else running their business the way they choose, on our land. So it's not about the wind — its about the who and the where. And something else to consider: If this wind farm was to serve as an example and an introduction for the nation on the power of wind power, do we want to go down that road? How many wind farms will it take to make a

marked impact on our reliance on coal and oil? Do we want our coasts populated with turbines? And please don't tell me that nothing else will work. I walked past six dozen SUVs on my way to the auditorium. Gas tax. SUV luxury tax. Let's put some enthusiasm behind those concepts.

**Timing:** I have sympathy for those among us frustrated by the inertia encouraged by endless debate, and meetings about meetings about meetings. But the impact of the wind farm is far too great to hurry the process along. Yes, it would be super if we on the Island could lead by example with progressive projects. However, in our zeal to position ourselves as the moral authority, we are also giving over the special status that isn't a case where we should just roll up our collective sleeves and get something done — it's a complicated and possibly irrevocable mass of manmade business. Let's exhaust all the possibilities, and investigate the motivation before we put the wind farm principals on our shoulders and carry them to victory.

**Remember the Roundabout:** Did we really need an elaborate solution to the blinker? Doesn't the four-way stop work just fine? I believe the first and most elaborate solution isn't always the best.

**In Conclusion:** There was a lady who specifically addressed some of the vagaries in the wind farm's costs, including who pays for potential oil spills, decommissioning, etc. But it was at the end of her allotted time that she became somewhat emotional. She said that it made her cry to think of the Nantucket Sound populated with turbines. Her voice broke, and she had a tough time continuing. At that moment I thought, oh dear that's probably what would have happened to me had I tried to articulate that emotion. So I wanted to say thank you to her for saying what was too difficult for many of us to express. Leave Nantucket Sound alone. Let it be. It means that much to us.

Did I say I'd be brief?

Brad Woodger is a resident of Edgartown.



### ESTABLISH GUIDELINES FIRST

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Alexis Burns  
Marstons Mills

### SAVE OUR SOUND

The Army Corps of Engineers has released its report on the Cape Wind proposal to build a wind power plant in Nantucket Sound. A private consultant chosen and paid by Cape Wind largely wrote the report. Another consultant reviewing the research was also paid by Cape Wind. It is no surprise that the report was favorable.

This project, the world's largest and the first U.S. offshore wind plant, deserves a thoughtful and impartial review. This important document is roughly 4,000 pages. The public deserves more than 60 days to review the report and comment.

As you know, a private developer plans to take 24 square miles of public land (and perhaps even more if alternative sites are built) for free in the waters between Cape Cod and the Islands. This massive commercial project would be heavily subsidized by millions of your taxpayer dollars.

Our local economy, wildlife, boating and aviation safety, commercial and sport fishing, and the natural beauty of this area would all be affected by the industrialization of our offshore resources. By developing alternative energy responsibly and following a route of energy conservation, we can avoid trading off one environmental resource against another.

Please extend the public comment period on the Draft Environmental Impact Statement for the proposed Cape Wind project to 180 days. Any shorter time period is entirely insufficient to allow the public ample opportunity to provide input on such a lengthy and important document on a complex and controversial project.

Amy McGuire Kates  
Cotuit

## MY VIEW

# Wind energy's future is on the land

By BRIAN BRAGINTON-SMITH

While the debate on the offshore wind project rages, another wind effort is quietly under way: distributed wind energy, where small clusters of two to 10 turbines are being planned for community and private sites across Cape Cod.

This initiative is being pursued by Community Wind Power, LLC, a local company (not the Massachusetts Technology Collaborative). This company is owned by local people, employing local people and funded by local investors to bring the maximum combined benefit of clean renewable energy to the direct benefit of our communities. The company's motto is "Our wind, our communities, our future."

By utilizing our abundant wind resource for the benefit of our communities, and combining small, separate installations under one project umbrella, this effort can and will save hundreds

of thousands of dollars per year directly for each of the host communities. While some sites will accrue more saving and collateral benefits than others, the net result will be significant revenue for landowners, an expanded tax base for local towns and a more economically and environmentally sustainable Cape Cod.

The Cape Cod Economic Development agency has identified two major areas of opportunity for our region to establish a more secure economic base: wind energy and environmental technologies such as advanced wastewater treatment. We can import the technology and development capacity and export the real economic value, or we can grow the industry here and then export the capacity to develop wind and environmental solutions to off-Cape communities and reap the resultant environmental and economic benefits.

We have the wind - that's why the debate rages and wind developers from off-Cape eye our mar-

ket eagerly. We can capture it or give it away.

Make no mistake about it: Wind energy can save money. That's the reason it is the fastest-growing energy resource in the world today. To make foolish unfounded claims that it is more expensive and that it will raise our rates and hurt the most vulnerable is simply another fear-inducing erroneous statement. Our electric rates are going to give most of us sticker shock as the subsidized deregulated price ends early in 2005.

We need to embrace this locally based opportunity now, not shun it, and we need to make sure that what we do is locally based or we miss the boat and give away a substantial economic opportunity for our Cape Cod and South Coast region.

Everything we import, exports economic value; everything we export, imports economic value - it's really pretty simple when you think of it.

As a Yarmouth native who watched the carpetbagging of Cape Cod resources in the '50s, '60s and '70s, I feel comfortable stating that a lot of off-Cape people made a lot of money, developing Cape Cod and leaving us with the task of cleaning up the environmental destruction caused by the profit motive, unsustainable development and a lack of local concern and consideration.

It's no surprise to me or other locals that people are suspicious and fearful of deeper and hidden motives of off-Cape development interests. Even the Alliance to Protect Nantucket Sound supports this local land-based wind energy effort. If it is going to succeed it will need local commitments and support as well as local roots. Remember: In the end it is "our community, our wind and our future" that is at risk.

Brian Braginton-Smith of South Yarmouth is a principal in Community Wind Power, LLC.

CC Times  
12/14/04



## EXTEND COMMENT PERIOD

*The following letter was originally sent to the U.S. Army Corps of Engineers and is reprinted here at the author's request.*

**Dear sirs:**

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Thank you for your prompt attention to this matter.

Sincerely,

— Amy McGuire Kates

Nantucket Independent 12.15.04

# Nantucket Independent

12/15/04

## OBJECT

To the editor:

I would like to register my objection to the Army Corps of Engineers' review of Cape Wind Associate, LLC's, proposal to industrialize 24 square miles of Nantucket Sound.

The massive project Cape Wind proposes is the first offshore wind energy project this country has faced. Currently, there are no federal laws that authorize the occupation of outer continental shelf lands by private developers or that regulate how and where such development is appropriate.

The federal government must first establish guidelines for the review of proposals such as Cape Wind's before any more development takes place. We must develop sensible standards that enable the appropriate federal agency to weigh the benefits of a proposed project against its costs, which potentially include harmful environmental impacts, negative effects on the affected region's economy and degradation of an area's aesthetic values.

These public resources belong to all of us, and it is imperative that sensible laws be passed before any projects are approved. Wealthy private developers should not determine how or where the outer continental shelf will be developed.

Without an established process by which the Army Corps of Engineers, or any other federal agency, can objectively and competently review these proposals, any consideration of Cape Wind's proposed wind plant should cease.

Thank you for your consideration of this issue.

— George Hamrah

## Sees safety issues with wind farm

To the Editor:

I attended the recent U.S. Army Corps of Engineers hearing in Nantucket regarding the Cape Wind proposal to place a wind power plant in the sound. My remarks and concerns centered on the environmental impact and need for energy conservation. However, after listening to the many speakers I left with significant safety concerns regarding the project. A number of knowledgeable and experienced presenters spoke about both air and sea navigation problems if the project is allowed in the proposed location. For our community whose major links to the mainland will be

LETTERS, PAGE 12A

## Letters

(Continued from page 10A)

affected, this becomes a grave concern. Others raised the issue of ice build up and after the experience of last winter a frozen harbor is another significant reality. If you were not able to attend the hearing I urge you to write directly to the Ms. C. Godfrey, ACE 696 Virginia Road, Concord, MA 01742 before Feb. 21, 2005. Our democratic system is one that needs active participation if it is to function and serve its citizens. Become

informed and voice your concerns and opinions.

MARIA ZODDA

## Inquirer & Mirror Against wind farm

in the Sound 12/16/04

To the Editor:

This letter is in response to a call by the Nantucket Inquirer and Mirror editorial, "Corps needs to listen to Cape, Islands voices on wind farm."

I am against siting even one mammoth wind generator on public property by a profit-oriented, private entity. Many reasons have been aired, and I agree with most, if not all of them. But one reason is not much discussed - and that is: Who will bear the responsibility and cost of removing worn-out and failed obstructions in the public's Nantucket Sound right-of-way?

Rotating machinery operating in the middle of Nantucket Sound will be relentlessly attacked by wind and weather, especially in stormy New England gales and nor'easters. The private interests seeking to grow wealthy at public expense will simply walk away from a worn-out, failed enterprise - leaving the government and the public holding the bag. This can happen; it will eventually happen; it is unacceptable, and the possibility of such an outrage should be nipped in the bud right now.

Please fulfill your responsibility and deny private interests the opportunity of exploiting and damaging forever a public treasure - Nantucket Sound - for individual short-term, short-sighted profiteering.

ROBERT A. DICURCIO

grance. My husband seeks scrimshaw, and I like anything etched "DKE."

It may sound like I'm hooked on your island finery, but I only indulge because I'm on vacation. I'm a naturalist at heart. Island tourists and residents have a common appreciation for the unspoiled nature of this island, and its scenic horizon. Despite your wonderful food, shopping, art and culture, it is the rustic beauty that lures my family back each summer.

This unique island would forever be changed with the installation of wind towers in Nantucket Sound. I have empathy for residents - as you must find this prospect very distressing. The logic is clear - we need solutions for our energy needs. However, your air and boat pilots have expressed concerns about navigational safety if wind towers are erected in the sound.

As your tourist, I have a motivation to return if you unspoiled island becomes industrialized. You may no miss the revenue I generate unless other tourists share my vacation priorities. Will your tourists return if the beauty of your views no longer exists; and safe travel becomes compromised?

BARBARA DURKI

## Inquirer & Mirror Wind farm won't be a draw to tourists

To the Editor:

I am your tourist. You won't notice me wearing Bermuda shorts, and I know better than to pack my heels. I handle vacation plans for my family; booking Grandpa's (or the equivalent), with travel via The Steamship Authority or Hy-Line. My perfect island day begins with a half-day fishing trip, followed by lunch on Straight Wharf. I enjoy shopping for Nantucket Reds, and watching other tourists and locals while sipping coffee on a Main Street bench. I rarely miss opportunities to visit Johnston's for cashmere; eat chocolate-covered cranberries; peruse galleries; and pick up my favorite fra-

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Register 12/16/04 Alexis Burns  
Marstons Mills

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Register 12/16/04

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Amy McGuire Kates  
Cotuit

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Amy McGuire Kates  
Cofuit

*Upper Cape Coder*

*12/16/04*

### REJECT CAPE WIND

Editors, Vineyard Gazette:

The following letter was sent to the Cape Wind Energy Project Manager of the Corps of Engineers:

I write in opposition to the Cape Winds project. The idea of renewable wind power for the generation of electricity is long overdue and urgently needed but not this project. The supporters are confusing the need for wind power with the wisdom of this project. Up front, I must explain that I am a plain citizen with no water view to protect or boat to weave in and out of the impediments proposed.

I believe that the project should be rejected for the following reasons, not in any order:

1. The project will interfere with not

only small boat traffic, but also with the SSA navigation routes.

2. Welcoming industrial development of taxpayer-owned land I find inappropriate.

3. The towers and lights will be, I fear, more imposing than predicted.

4. Elected and appointed government officials urge caution and delay, pending a comprehensive, rational policy covering such developments.

5. I am not convinced that birds and fish will not be impacted.

6. The effect upon fin fish nursery areas within Horseshoe Shoal is pure speculation, if not wishful thinking.

7. Bottom fishermen point out that buried cables seldom are, and perceive a hazard to their livelihood, already stressed.

8. To industrialize a resource such as Horseshoe Shoal is criminal. Other sites must be available with small loss in efficiency.

9. A study of potential damage from an oil leak ought to be done, given our experience and sensitivity.

10. The developer promises cheap electricity but, in reality, must ship his power to the grid. How will that help us?

11. How many similar projects are awaiting your decision, ready to come forward if this project is approved?

12. The developer talks about free power. What about his \$800,000 investment? What is his payback period and who pays for that?

I believe that both the developer and the government must return to the drawing board before passing judgment on this project.

Robert G. Ford

Oak Bluffs

12/17/04

The Vineyard Gazette welcomes letters to the editor on any subject concerning Martha's Vineyard. The newspaper strives to publish all letters as space allows, although the editor reserves the right to reject letters that in her judgment are inappropriate. Letters must be signed, and should include a place of residence and contact telephone number. The Gazette does not publish anonymous letters.

## WHAT ABOUT ICE?

### To the editor:

With all the words written both for and against the proposed wind farm, I have yet to see any mention of the danger of ice.

Has anyone read the history books to learn of what happened to the *Cross Rip* lightship in February of 1918?

When the ice broke up, she was ripped from her mooring. She was last seen flying out a distress signal 23 miles off station, and heading out to sea. Neither she nor her crew were ever seen or heard from again.

We would be quite naive to ignore the threat of ice in the future.

— Jonathan F. Swain

*The following letter was originally sent to Karen Adams, Project Manager, U.S Army Corps of Engineers, New England District, and is reprinted here at the author's request.*

## COMPARE GLOBALLY, NOT LOCALLY

### Dear Ms. Adams:

This is follow-up letter to my Dec. 10 note, reflecting some of my reaction to the Cambridge hearing where attitudes much less reflected a locale of the proposed Nantucket Sound Wind Farm. These comments address the broader question with analyses of the nation's and the world's energy situation.

First of all, there is a public perception the United States is a disproportionate user of the world's energy.

Using the population as basis, the United States consumes five times the energy per capita as the average of the rest of the world. However, when viewed as a energy per unit of economic output we find the U.S. is only 75 percent of the world average, and both China and India exceed three times the world average, and Russia is over six times the world average.

In fact, the United States has reduced energy consumption per unit of economic output in half over the past couple of decades.

Population of NAFTA (United States, Canada and Mexico) exceeds 400 million, is a third higher than Europe (Australia, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom) and occupies more land than world's largest country, Russia.

NAFTA contains over 30 percent of both world roadways and railways and flies over 45 percent of airline passenger miles annually. NAFTA also produces over 85 percent of the energy it uses, and the Americas as a whole produce over 90 percent of their net energy needs.

Comparably, Europe and Japan import 63 percent and 80 percent of energy, respectively.

Looking to the future and emergence of both China and India as increasing economic contributors, their moves from an agrarian culture of 50 percent and 67 percent, respectively will impact energy usage.

Similarly, countries such as Indonesia, Pakistan and Iran with total population of over 400 million will increase energy use.

The more developed countries such as the

United States, Europe and Japan can be expected to see increasing fractions of economies in services through technical and professional contributions. These evolutions may well require increased energy usage, both in production and operation of information intensive systems.

There may also be another lesson in the energy industry that should be taken into account, and it involves nuclear power.

Here, in the United States, we have almost a phobia against nuclear power partly as a result of Three Mile Island and Chernobyl. Renewable energy, however attractive, must also be realistic.

Finally, wind power under the best of conditions is intermittent and hence must depend on a grid to balance energy generation and distribution. These electric grids for reasons required to accommodate generation outages for maintenance must have capacities 10-20 times individual generation units, so hence will be virtually immune to wind farm generating economies.

I believe that, as the Corps of Engineers, you should prepare any report in the context of total energy delivery, and not mislead the public by allowing comparisons of wind farms to local areas such as the Cape and Islands when there is no practical economic connection.

Regards,

— Art Flathers

1/5/05

Nantucket Independent



### Still Opposed

Editors, Vineyard Gazette:

This letter is to inform you that the Martha's Vineyard Chamber of Commerce has been and is still opposed to the Cape Wind Associates plan to build a 130-tower wind farm in the Nantucket Sound. While the chamber supports the concept of developing clean, renewable energy sources, the industrialization of one of America's greatest treasures primarily for profit is not in our regional interest. The Cape and Islands have led the nation in protecting unique and fragile natural resources, and now is not the time to stop. With tourism as the backbone of our area, we cannot discount the potentially large negative impact this project could have on our economy. While this wind farm may actually bring visitors to the area, the sense of intrigue will soon wane and the benefit will be nothing compared to the visual, economic and environmental damage.

In order to properly protect our natural resources and in turn our economy, the Martha's Vineyard Chamber of Commerce advocates for proactive planning, including federal legislation for all waters before any wind farm or other renewable energy projects are approved. Zoning and use regulations are just as important in the ocean as they are on land.

Millions of people come to this area each year to enjoy the peace and tranquility of Nantucket Sound. We urge the licensing agencies to withhold approval of this project as the scale and impact on the region are in sharp contrast to the relative benefits.

Valerie Cini Richards  
Executive Director

Vineyard Gazette 1/7/05



# The Vineyard

Horizon Unbroken  
Editors, Vineyard Gazette, Nantucket

Our eastern horizon across Nantucket Sound intrigues each of us in different ways. It fosters relaxation and comfort. It generates hope, inspiration and dreams. It offers perspective. Not least, it simply provides space, a magnificent dynamic of sky and water, ranging out as far as we care to see.

For us, that horizon is never about politics, it's about poetics. We've watched right there as the rising full moon — at just the second it breaks free into the night sky — drips a tiny tear of light into the ocean. Imagine a fence in front of such awesome moments. No thank you. Nor do we want turbines permanently interrupting each sunrise. Not there. That's our space, our living room, our room to live. We love it just the way it is.

Spirituality is perhaps the most precious asset of Martha's Vineyard. It is best found in the land and sky and ocean exactly as the gods made them. This spirituality rests firmly within that eastern horizon. It has moved us since we landed. Nantucket Sound was our doorway, our passage. We treasure it as such, and all the markers we need out there are boats and birds, things that migrate across our horizon, without the framework of some half-finished barrier, looking stuck and discontent.

We can and will find other environmentally sensible ways to sustain our energy needs.

Tony Balis  
Vineyard Haven

Vineyard  
Gazette

1/7/05

# s Its Mind on Merits of Offshore Wi

## No Guidelines

Editors, Vineyard Gazette:

The following letter was sent to the project manager of the United States Army Corps of Engineers:

I am writing you with respect to the proposed Nantucket Sound Wind Farm Project with observations, comments and questions.

First of all, there have been numerous wind farms erected and operated throughout the western mountains and more recently on the plains interspersed with farms. What has been learned by these installations that bears on the proposed shallow water installation? If there is nothing to be learned from proposed Nantucket installation, and it can only provide one to two per cent of New England grid power that will be averaged out, why do it?

It has been stated by several parties and officials that there are not legislative guidelines applicable to natural bays and sounds like Nantucket Sound so why should the Corps of Engineers take on a task of preparing an environmental impact position? I say this particularly in light of the ongoing dismantling of several flood controls and hydroelectric installations as no longer in the public interest.

If the Corps of Engineers feels it must take on environmental review of Nantucket Sound Wind Farm, why do you conduct public hearings that allow esoteric discussions such as the Iraq War? The complexity of the world energy equation is sufficient that almost any subject fits, so why not limit commentary to energy generation from a proposed wind farm which is already known not to be significant economically.

The American public has been educated in school systems where numbers are treated as a foreign language so that meaningful discussion of economics of energy in any form is impossible. Hence environmentalists have a field day speaking of their touchy feeble views on anything esoteric at the government's and taxpayer's expense. This also allows every peacenik to offer their views on the way the world ought to be without a clue that the world is tough, dangerous and not forgiving.

Why doesn't the Corps save us all money and turn Nantucket Wind Farm Project over to the congress and the administration with a request for legislative guidance? Arguments over the economic feasibility of wind farms can be best handled within more economic environments such as the plains. Wind energy can and has been shown to have merit, but we do not need to destroy the natural habitat of Nantucket Sound.

Art Flathers

Vineyard Haven

## More to Lose

Editors, Vineyard Gazette:

I hope you can stand one more opinion regarding the proposed wind turbine factory proposal for Nantucket Sound. I feel it is important that people realize how critical it is for the Army Corps to receive public input. According to their paperwork, their decision will be based on an evaluation of the probable impact of the proposed activity on the public interest. Benefits must be weighed by them against detriments and the public must be heard. Therefore, if the Army Corps gets little input regarding detriments, the project may be al-

lowed by default.

Nantucket Sound is probably the least spoiled, protected body of water on the whole Eastern seaboard. It is a precious natural and national resource. This resource, which belongs to all of our people and enjoyed by millions each year, should not be given away to a private developer for the erection of an industrial park.

It is clear that this massive turbine factory will dominate the skyline and alter the seascape for not only those of us who live on the Cape and Islands but for all those who enjoy our waters every year. The towers will be visible for 26 miles but will only be five and a half miles from the Vineyard and even closer to the southern coast of the Island. Flashing lights will define the towers clearly for us 24 hours per day. A platform 100 feet high will also dominate the view as it is as high as a ten-story building. Proponents say that we are selfish to care about the view, but these pristine views are enjoyed by all those who come to the Cape to enjoy the beauty of this unique body of water including people from all over the United States and all over the world. It is not selfish to wish to preserve what little man has not already destroyed of our natural habitat. It is, in fact, appropriate to wish to conserve this treasure for our children and their children.

The Army Corps should wait for congress to develop rules and regulations for the development and protection of waters off our coasts. This proposal is, after all, the first of its kind in our country. Why should we experiment with Nantucket Sound?

Proponents say the turbines will reduce oil dependence. Robert F. Kennedy Jr., lead counsel for the Natural Resources Defense Council, points out that in 1979, President Jimmy Carter implemented CAFE standards for car makers which resulted in fuel economy improvement for cars of 7.5 mpg. These standards were rolled back by Reagan in the 1980s in favor of big oil and car manufacturers. Today, an eight-mile-per-gallon increase in car efficiency would negate the need for America to import any oil from the Persian Gulf. So, building these turbines will not, as some proponents of the project suggest, prevent future oil wars. We could do that with simple conservation measures. This is doable.

Proponents suggest that the project would be a first step in alleviating global warming. Conservation will provide the same benefits at no cost to the natural habitat of Nantucket Sound.

Some proponents said Americans will not conserve. Who, then, is selfish? Must some of us drive huge SUVs and heat 15,000 square foot houses? Is it their right to demand the sacrifice of our natural setting we all enjoy so much?

Let us take seriously the concerns of the Steamship Authority and Hy-Line Cruises, both of which feel the turbines may cause navigational safety hazards. Out lives could be at stake. Local air traffic controllers also see safety hazards to aviation.

I disagree with the Army Corps' assumption that only one bird per day will be killed by the 130 turbines all wielding spinning blades. This is a major flyway for migrating birds which fly low in fog and are attracted by lights. More professional input on this subject is needed. The sight of migrating birds is a special gift to

our existence. We need to coexist with birds and fish, not destroy them at will.

Some people think the turbines are pretty; some think that Cape Wind would be a friendly neighbor. I respect everyone's opinion, but to me it seems these turbines will look like a cross between a skyscraper mall and an amusement park. There is so much more for us to lose than for us to gain by allowing this project. And as for Cape Wind being altruistic, it is a private company seeking our tax dollars in subsidies in order to make a profit by using our seabed for free.

Anyone who agrees should take this opportunity to let the Army Corps know how you feel.

Beverly Burke

Oak Bluffs

Vineyard  
Gazette  
1/7/05

## BLOWING IN THE WIND

Editors, Vineyard Gazette:

The recent flurry of correspondence regarding windmill-powered electric generation all seem to miss the point that the wind does not blow continuously, and therefore should not be relied upon as a continuous power source. The wind also cannot be relied upon for peaking power because the wind (if any) from time to time and the peak load will only by accident be coincident. Elec-

tricity can in effect be stored for future use in batteries, in pumped storage reservoirs, or in the form of heat, none of which would be practicable in the contemplated installation.

Generation in excess of load demand is called spinning reserve, unneeded and unusable at the moment, even if it may be amusing to watch the windmills go around doing nothing really helpful. The windmills would only be helpful from time to time should by coincidence they happen to generate to help meet existing loads. But at what cost? And still unreliable.

Customers require a guaranteed and reliable supply, consistent with costs. This is called base load, for which wind power cannot be used, as it is not reliable. One would not like the lights to dim whenever the wind died down. Reliability is the key in this situation: who wants unreliable electric power?

Interruptible electric power is sold now by clockwork control as in some water heaters, but here the timing will be set by a predetermined time schedule at a somewhat reduced rate. The wind doesn't blow on any schedule upon which customers could depend.

John B. Boardman

Oak Bluffs *MV Gazette 1/14/05*

## MA fishermen speak out against wind farm in Nantucket Sound

BOSTON, MA - Massachusetts fishermen were among the hundreds of people who turned out for US Army Corps of Engineers public hearings in December on the Cape Wind Associates proposal to build a wind farm in Nantucket Sound.

The huge industrial energy project would entail the construction of 130 windmills, each 417' tall, on Horseshoe Shoal spread over a 24-square-mile area.

The Alliance to Protect Nantucket Sound, one of several groups opposing the project, calls the area "one of the richest fishing grounds on the East Coast" and contends that placement of the turbines will block access to fishing grounds that provide as much as 60% of the annual income of some local commercial fishermen.

The Massachusetts Fishermen's Partnership (MFP), an umbrella organization of 17 commercial fishing associations, has gone on record as strongly opposed to the project.

But the partnership and everyone else against the wind farm have their work cut out for them. In November, the Army Corps of Engineers issued a 3,800-page draft environmental impact statement (DEIS) that basically said the Cape Wind proposal will have few detrimental effects on the environment and will provide benefits in terms of energy, jobs, and air quality.

### DEIS dead wrong

MFP representatives, including president and fisherman Ed Barrett, fisherman Ron Borjeson, and executive director David Bergeron, all testified at hearings that the corps got its assessment wrong, especially in terms of how the project will affect fishermen.

Referring to a study MFP recently conducted with the Massachusetts Institute of Technology, Borjeson said, "The comments reported in the study show that commercial fishermen will be negatively impacted and not just 'inconvenienced' by the construction of

this facility. I should know; I am one of those fishermen."

Bergeron explained further: "According to experienced mobile gear fishermen, the spacing between the wind towers will make mobile fishing gear navigation impossible," he said. "In addition, indirect adverse economic, environmental, and safety impacts are likely to result from crowding fishermen who fish other areas in Nantucket Sound."

Barrett stated that the MFP does not believe the Army Corps is the appropriate agency to assess the project's impacts on fisheries or essential fish habitat.

"This type of assessment needs to be conducted by an agency with appropriate technical expertise such as the National Marine Fisheries Service or the Massachusetts Division of Marine Fisheries," he said.

Chatham weir fisherman Shareen Davis, who is currently on the staff of Save Our Sound as an outreach worker, organized a late-November press conference in Hyannis, which was attended by Angela Sanfilippo of the Gloucester Fishermen's Wives Association, to demonstrate the extent of fishermen's concerns over the project.

### Comment period

The fact that the Army Corps attached only a 60-day comment period to the massive DEIS document outraged many members of the public in the affected Cape Cod and Islands region. The corps did eventually agree to extend the comment period by 45 days.

As a result, the deadline for public comment is now Feb. 24.

For more information, contact Shareen Davis at Save Our Sound: phone (508) 775-9767; e-mail <shareen@saveoursound.org>; or web site <www.saveoursound.org>.

The Army Corps of Engineers web site address is <www.nae.usace.army.mil>. /cfn/



From left, Angela Sanfilippo of the Gloucester Fishermen's Wives Association and Chatham weir fisherman Shareen Davis, who is currently on the staff of Save Our Sound as an outreach worker.

## Guest Column Continued from page 7A

Stevens Fishery Conservation and Management Act, the number of days that commercial fishermen can fish has been reduced dramatically and fishing grounds have been closed for part of the year in order to protect both the fish and the ocean habitat.

For the last seven years on Stellwagen Bank, Block 125 has been closed to fishing for seven months of the year in order to preserve the integrity of fish stocks. At present, it is closed four months of the year to protect spawning fish and because it has been designated an essential fish habitat.

If this project goes forward, fishermen will no longer be able to fish there at all and the conservation efforts and fishing industry sacrifices that have taken place over the last three decades by fishing communities will have been for nothing.

### Stellwagen sanctuary

Also, the proposed facility in Block 125 is one mile from the Stellwagen Bank National Marine Sanctuary.

In 1986, both commercial and recreational fishing industry advocates lobbied to protect Stellwagen Bank by having part of it declared a Marine Sanctuary. This facility will be located right next door!

The LNG tankers that will be unloading nearly 365 days of the year will be 1,000' long or the equivalent of more than three football fields.

The Gloucester fishing fleet is made up of small boats 30'-60' in length, most of which fish primarily on or near Stellwagen Bank. How will they be protected from being split down the middle in good or bad weather by these enormous tankers? The tankers will not even know they hit them.

### Bitter ironies

The third reason to oppose this project is that pipeline construction will disrupt the ecosystem. Massachusetts Bay lobstermen have already seen the guarantees of minimal impacts from the Hubline project vanish when construction fell behind schedule.

Problems were encountered on the seafloor that were not anticipated by the companies. This will almost certainly happen again if they are allowed to move forward with this gas pipeline.

Is it not ironic that fishing vessels such as druggers and scallopers are constantly accused of destroying the ocean bottom with their fishing gear but trenching a path large enough to bury 11.5 miles of pipeline on the ocean bottom is not considered destructive of the habitat?

Is it not ironic that lobstermen and gillnetters must bring up their pots or nets if a whale is spotted so the whales don't get caught in them but LNG tankers can travel freely throughout areas where whales feed with no thought for the possible impact of these huge tankers on the whale population?

Is it not ironic that commercial fishermen must get permission each day from the National Marine Fisheries Service to use the fishing grounds and can be denied access to them but multimillionaires who have the resources can propose such a project with no thought given to the preservation of the ocean as a resource, the possible danger to local communities, or the destruction of people's livelihoods?

### Join with us

In conclusion, fish are a renewable resource that, with proper attention, can be there forever. In recent years, the commercial fishing industry has been reduced drastically in order to preserve the Atlantic Ocean for future generations. Natural gas is a finite resource and will someday be depleted leaving only debris and contamination in its wake.

It is our responsibility to supply the nation and the world with fish for food, so it is our responsibility to protect the ocean that gives us that food and to remember that fisheries are a renewable and fragile resource.

This is why the Gloucester Fishermen's Wives Association invites all in the community to join with us in opposing this project.

Angela Sanfilippo

### Electric Power Issue

For a couple of years now, there have been many letters and articles in your "Letters to the Editor" and "My View" column indicating one method of producing electricity or another, other than the use of fuel oil or coal.

It takes very large areas of land or ocean for a company to produce solar or wind power. Of course, we have the Cape Wind Company that wants to use 24 acres in Nantucket Sound.

Acres of solar power are not

Continued on Page 5

### Continued from Page Four

viable in this state of Massachusetts or many other states because of the lack of land and its costs. As for the use of wind power, that is fine, since much of our planet consists of water.

The problem is why Nantucket Sound? The state of Massachusetts depends greatly on tourist taxes and this could greatly reduce the number of visitors to the area.

Secondly, if the project were to go forth as indicated, the power generated by the many large, spinning three-legged blades would place all of the electrical power into a grid that would send the electricity to wherever it is needed, and may never involve Cape Cod.

However, and in addition, much of this project is going to be paid for by the United States taxpayer, not Cape Wind. When the project is completed, away they go with golden parachutes and our taxpayer profits, which I imagine, will be a healthy sum.

I might also mention that 24 square miles of spinning blades in Nantucket Sound will produce a small total sum of just more than 300 megawatts of electricity when under full wind power, while the Pilgrim Nuclear Plant produces 600 megawatts of power, or more.

A large nuclear plant can produce up to and more than 1,200 megawatts of electricity on a much smaller piece of land/ocean.

I spent 12 years working around nuclear power plants, of which we have just over 100 in the United States. One would be surprised as to the number of nuclear plants there are across the world operating with little or no trouble. The complaints about nuclear power have been created by certain group and disgruntled ex-employees.

As for the used rods that power the plant, and the complaint about their disposal and long life dangers, the answer is at hand, but again we have the usual complainers that wish to stop the progress of anything that advances civilization.

Any unburned portion of the nuclear rods is sent to a special location for removal of the good unburned materials, which are then added to new nuclear fuel rods to be placed in the nuclear reactors.

I suggest that we get moving for both clean air and the use of less oil used in dirty electrical power plants.

John N.F. Harris Jr.  
Scenic Highway  
Buzzards Bay

Falmouth Enterprise 2/1/05

## Army Corps' EIS no endorsement

To the Editor:

In reading your story last week about the endorsement of the Cape Wind project by former Environmental Affairs Secretary Susan Tierney, I was struck by how much importance your reporters place on a former state official while completely ignoring the very recent testimony of her successor, current state Environmental Affairs Secretary Ellen Roy Herzfelder. I was also a bit baffled at Ms. Tierney's representation that the Army

I & M 2/3/05

Corps recent Draft Environmental Impact Statement (DEIS) on the Cape Wind project effectively endorses this project. Not so, at least according to Army Corps Colonel Koning who made a point of telling those in attendance at the public hearings that the Army Corps' mind was not made up, thus the word "draft" on the EIS.

Secretary Herzfelder's cautionary note during her hearing testimony should have found its way into your story. While not opposing the project outright, she notes that the complete lack of planning for development of our offshore resources has created a new "Wild West" mentality that does not serve our collective interests either in the short term or long term. "It's still really being handled on a first-come, first-serve basis, not unlike the old Wild West, and we have new technologies becoming available, and ocean real estate is up for grabs in a way that I don't think our forefathers ever anticipated and that our regulatory system is not yet prepared to manage."

Ms. Tierney no longer has the burden of serving the commonwealth's needs and seems less concerned about the chaos that would surely ensue if the Cape Wind project gets approved.

SHAREEN DAVIS

Alliance to Protect  
Nantucket Sound



# Society Sides With Island Commission, Calling for Halt to Cape Wind Process

By ROB KENDALL

THE VINEYARD CONSERVATION SOCIETY WELCOMES the Martha's Vineyard Commission's request that the U.S. Army Corps of Engineers set aside the Cape Wind proposal until the federal government enacts an adequate regulatory framework for offshore commercial development. As our executive director, Brendan O'Neill, asked rhetorically at the Corps' public hearing on Martha's Vineyard in early December of last year: "If there are to be more of these offshore wind developments slated for the eastern seaboard, does it make sense to address them in isolation, or within some kind of guiding regulatory principles or framework?" We agree with the commission that such applications should not be considered in isolation. While some form of wind development may well be appropriate for the waters near the Cape and Islands, the largest such development in the world should not be slipped into the heart of Nantucket Sound through a regulatory crack in the door.

The developers like to say it's "our wind farm" and "our future," a characterization with which we might differ, given that both the electricity and the profits are headed elsewhere. One thing we do know is that it is our Sound. Our heritage. Our responsibility.

For forty years the VCS has promoted the broadest pos-

sible definition of conservation, including habitat, open space, community character, and conservation of energy. We know how vital it is that we change our means of energy production and our habits of egregious consumption, and we have acted in the past on many fronts to promote such change. But we also know that if a major wind development is appropriate for Nantucket Sound, it will still be appropriate in the year or two it will take for Congress to enact rules similar to the ones that currently exist for oil, gas, and other offshore activity.

Most of all, we are dead certain that if the proposed development turns out to be inappropriate, and we citizens of the Cape and Islands allow it to be rushed into Nantucket Sound without adequate oversight, we will regret it forever and will have failed in our duty as stewards of this most beautiful and precious corner of the planet. The Army Corps' public comment period ends on Feb. 24. VCS encourages you, regardless of your position on the Cape Wind development, to get involved and make yourself heard.

For more information, visit [www.vineyardconservation.society.org](http://www.vineyardconservation.society.org).

*Rob Kendall is president of the Vineyard Conservation Society.*

Vineyard Gazette  
2/14/05

# Ocean zoning

By Jack Clarke

As the new legislative session begins, Bay State lawmakers should protect commonwealth waters from a rising tide of conflicting, competing and often-dangerous uses. And they need to do so quickly by ensuring that the Romney administration makes good on its promise to develop a plan for effectively managing marine industrial development and better protecting coastal ecosystems.

A healthy ocean contributes \$3 billion annually to the state's economy. To protect that investment, the Legislature should adopt a Comprehensive Ocean Resources Management Act that establishes a blueprint for the management of ocean waters and submerged lands within three miles of our coastline - the limit of state jurisdiction. This would be the commonwealth's first major environmental law since an act to protect Massachusetts rivers was adopted nearly a decade ago.

The ocean floor is a tangled web of gas pipelines, fiber optic cables, and phone and electric lines. It's littered with lost lobster traps and fishing nets, unexploded bombs, low-level atomic and hazardous waste, and thousands of shipwrecks. Mixed in are sites used for dredge disposal and sewage outfall.

Additionally, commercial fishing, shipping and recreational activities navigate these man-made shoals. Overlaid are proposals for wind farms, wave energy generators, and fish farms.

Off the coast of Gloucester, a liquefied natural gas off-loading facility is contemplated. Last summer a major oil spill occurred in Buzzards Bay, and the National Petroleum Council recently called for reopening Georges Bank to oil drilling.

Secretary of Environmental Affairs Ellen Roy Herzfelder likened this picture to "the Wild West (where) everyone is trying to put their stake in the ground."

As Navy veteran Fendall Hawkins pleaded while heading into Nantucket Sound to confront a grounded Soviet sub in the 1996 film "The Russians Are Coming, The Russians Are Coming": "We've got to get organized."

Governor Romney should be our man with the plan - a multiple-use plan for the sea.

In some instances we need to separate our waters' many uses. In others we need to better coordinate them and in still others we need to prohibit them entirely.

We also need to protect the very nature that exists where these uses occur. State waters are habitat for a rich diversity of marine life - from whales, to striped bass, to phytoplankton.

An ocean act would require regional ocean plans adopted by the governor's environmental chief before permits could be issued. These plans would protect fisheries; preserve public access; enhance biodiversity and ecosystem health; address climate change and sea

Force, the US Commission on Ocean Policy, and the Pew Oceans Commission. It would also make Massachusetts among the first in the nation in managing and protecting its ocean waters.

For the benefit of its citizens, the commonwealth holds in trust the ocean and its resources within the three-mile boundary. An ocean act would reinforce the ethic of stewardship that protects this community trust while encouraging public participation in decision-making.

Oceans embody complex environments that are constantly influenced by a combination of natural forces and human activities. Healthy ocean ecosystems are vital to human health and welfare. Human activities above, below, and on the ocean surface should be managed to allow both use and protection of ocean resources.

For over two hundred years, the sacred cod has hung in the State House as a fitting tribute to the importance of an abundant sea for our commonwealth. Let us move forward to ensure that as a symbol and species, the cod and its waters remain sacred for our children and theirs.

*Jack Clarke is director of advocacy for Mass Audubon and a member of the Massachusetts Ocean Management Task Force.*

## Guest Commentary

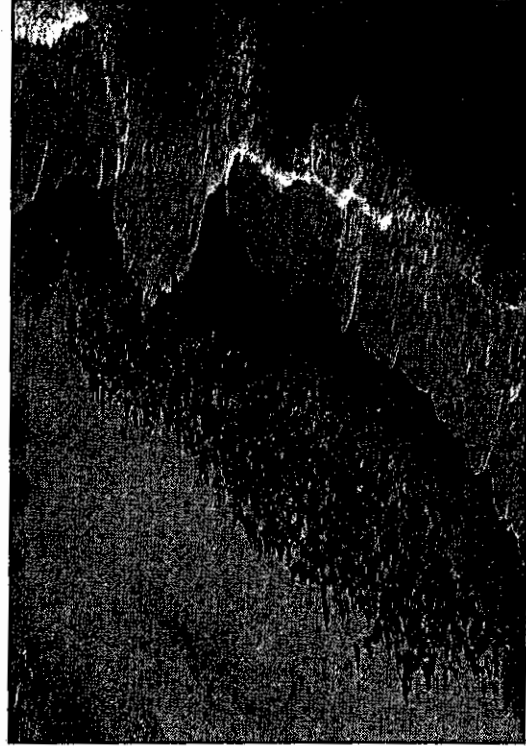
level rise; and foster the sustainable growth of marine industries, trade, and necessary economic infrastructure. They would guide activities and uses by defining areas in which they would take place.

The current single-sector-oriented approach to ocean management does not fully allow for the protection of marine biodiversity or historic resources from other potentially conflicting uses. Ocean plans would identify the need to restrict certain activities in discrete areas for the protection of important fisheries, sensitive habitats or species, scientific research zones, and submerged cultural artifacts such as shipwrecks.

Plans would also include performance standards to guide marine industrial development and mitigation measures to offset harmful effects. They would further direct state agencies to reform their permitting requirements for activities that are consistent with approved plans and prohibit those that are not.

An ocean act would advance the recent recommendations of the Massachusetts Ocean Management Task

## Sunbathers



A cluster of seals bask off the coast of South Monomoy.

Staff photo by Merrily Lunsford

Cape Cod  
2/14/05



other than the use of fuel oil or coal.

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Acres of solar power are not viable in this state of Massachusetts or many other states because of the lack of land and its costs. As for the use of wind power, that is fine, since much of our planet consists of water. This problem is why Nantucket Sound? The state of Massachusetts depends greatly on tourist taxes and this could greatly reduce the number of visitors to the area.

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John N.F. Harris Jr.  
Scenic Highway  
Buzzards Bay

#### Electric Power Issue

For a couple of years now, there have been many letters and articles in the newspaper indicating one method or another of producing electricity.

#### Enterprise Letters Policy

The Enterprise welcomes letters to the editor. They must be signed and include a daytime telephone number for verification.

Because the letters column is a forum for community issues, we will not print letters endorsing candidates, letters of thanks or letters that do not bear directly on local issues.

Letters may be mailed to The Falmouth Enterprise, 50 Depot Avenue, Falmouth, MA 02540, faxed to 540-8407, or e-mailed to news@capenews.net

Falmouth Enterprise  
2/11/05

## **LETTERS TO THE EDITOR – Regarding wind energy, but not Cape Wind in particular**

Scotsman.com

### **They just don't work**

I totally disagree with wind farms. They are uneconomical and do not work. They will not produce jobs here, as developers pretend, only in foreign countries such as Denmark.

They do not cut down on and will not help in reducing global warming.

They are a blight on the countryside. They are bad for tourism and will cost the Scottish economy dearly. They only line the pockets of the developers who seek vast rewards and return little to the community.

Electricity prices will rise as a result, affecting all users, from industry to the sick and the elderly.

TREVOR KORONKA  
Forgandenny, Perth

### **What's the point?**

As Scotland has only two coal-fired power stations, Longannet and Cockerzie, with a combined installed capacity of 3,456MW (according to DTI energy statistics for 2002), what's the point in having 15,000MW of wind power?

Also, as these two power stations only idle or shut down the turbines when the wind is blowing at a suitable speed, leaving boilers burning away merrily for when the wind is too strong or too weak, where are the claimed emission savings coming from? Is it not the case that when the spinning reserve is taken into account, wind factories will never pay back the emissions caused by their construction. Wind power can only ever be "as well as" and not "instead of" coal or nuclear. In fact, if more than 3,456MW of wind power is installed, more nukes will have to be built.

BEN PALMER  
Isle of Skye

### **Backing Bellamy**

I am entirely behind Professor Bellamy. Somewhere along the line, we have lost sight of one of the main reasons for a switch to renewable energy - creation of greenhouse gases and global warming.

Any intermittent renewable sources need to have a base load running on standby while they are generating useful input to the grid, which means conventional stations have to be "ticking over" very inefficiently. Hence, any reduction in output is minimal and all at the expense of huge areas of irreplaceable landscape.

It is unfortunately obvious that the Scottish Executive does not understand the science of power generation. Wind, wave, hydro and solar power sources are all intermittent, unpredictable and have large landscape impacts, even without considering the obtrusive pylon lines required.

The planned proliferation of windmills will turn our landscape into an industrial wasteland for no real global environmental benefit, will lead to higher electricity prices (as has happened in Denmark and Germany) and will benefit only wind energy companies, with huge profits derived from the taxpayers' and consumers' pockets.

GRAHAM BENNY  
Centre for Ultrasonic Engineering University of Strathclyde

### **Harsh reality**

The real difficulty I see with wind farms is that they only generate power for 30 per cent of the time, which leaves us with a power hole. Therefore, they cannot be an answer to power needs. They should really be directed at low-level domestic use to allow people not to tap into the national grid other than when the wind isn't blowing; ie, putting them on top of houses like satellite dishes.

In addition, we in Scotland have a largely unspoilt countryside which, for some reason, we are now justifying spoiling in the name of environmental progress. The harsh reality is that the only effective answer to electricity generation which doesn't cause greenhouse gases on an industrial scale is nuclear power.

HUGO ALLAN  
Edinburgh

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Scotsman.com  
January 30, 2005

## **Fanning an ill wind**

*GERALD WARNER*

THEY were images of nightmare: the tall, stilt-like invaders, eerily dominating the landscape, in the film of H G Wells's *The War of the Worlds*. Today those Martian aliens, in simulacrum, are bestriding the planet in the unlovely guise of wind turbines.

The worst ever violation of our Scottish environment is now being perpetrated at an exponential rate; but the good news is, this is being done in the name of conservation. Apparently, in order to preserve the environment, it is first necessary to destroy it. Take a long look at the progressive violation of Scottish (and British) beauty spots by these excrescences and ask yourself if this development does not remind you of a previous national experience.

It ought to do: the proliferation of wind farms is today's equivalent to the post-War urban blight visited upon our towns and cities by trendy architects and greedy developers. While it is gratifying to see the now frequent dynamiting of the tower blocks which served as incubators for the plague of violence and crime that has killed proper urban life, the damage is irreversible.

The wind turbine is to the rural environment what the tower block was to urban civilisation during the past half-century. We have not learned. We are listening to 'experts' - again. British television screens are once more hosting the talking heads - patronising, confident and ultra-informed - that have so often browbeaten us into following them along the path to social catastrophe.

Our cities are already basket cases; labyrinths of contorted ugliness, the occasional surviving bloom of past artistry strangled amid the nettles of modern planning, design and urban orthodoxy. What the Luftwaffe left, the councillors with fat wads from developers in their back pockets laid waste. Now a similar fate is overtaking the countryside: in England, any acre not overrun by Prescott's bungaloid infestation will be implanted with wind turbines and Scotland is similarly beleaguered.

How did this offensive gain such momentum? By appealing to the very instincts it is now outraging, is the answer. All the Kyotoguff about 'renewable energy' and 'sustainable development' now turns out to be a blueprint for raping the landscape. Earnest talk about wind power from Greens met a sympathetic response from far beyond the ghetto of the wholemeal-sandals, knit-your-own-yoghurt brigade. Environmental concern has become a widespread preoccupation. As a theory, wind power enjoyed much goodwill.

Now, not only do wind farms turn out to be an appalling blight on the landscape, they are also grotesquely inefficient at generating energy. The government's declared objective is to have wind power producing 5% of Britain's electricity by 2010. That would require the erection of

up to 10,000 turbines - despoiling vast tracts of the landscape. Yet the end result, if successful, would only save 1.3% of CO2 emissions in the UK, a derisory return for devastation.

Turbines are Neanderthal in their inefficiency. They produce between 25%-30% of theoretical capacity - which raises the question why their notional output is rated so high in the first place. Clearly, those inflated claims are couched in estate agents' language. Turbines fall short of the standards of pre-industrial technology, in that they are put out of action by strong winds as much as by calm.

Two of the largest wind farms in Britain, sited close to each other in Wales, had their output monitored: in a year, it amounted to less than four days' production from a 2000 MW power station. Put another way, their joint output averages 20 MW. Extrapolating that data, since the UK's electricity demand in winter peaks at 53,000 MW, that could only be met by erecting 420,000 turbines. Would the last person to leave this island please switch off the light...

You might think that the ghastly reality of environmental disaster would have caused our Green friends to recoil in horror from this project. You would think wrongly. An illuminating consequence of this debate has been the light it has thrown on the priorities of the Green lobby. Consider the remarks of Jonathan Porritt, a leading green activist: "The modern wind turbine is a mighty intrusive beast. It's not into nestling, blending in or any of those other clichés beloved of rural romantics."

So, there you are: those of us who thought that the one sentiment we had in common with bobble-hatted tree-huggers was love of the rural landscape are disabused. If a fetish for alternative energy - as much as would power an electric toothbrush - is involved, it is quite acceptable to turn the environment into a lunar landscape and anyone who objects is a "rural romantic". Porritt would have got an ovation at the annual convention of the Where-There's-Muck-There's-Brass Hard-Faced Industrialists Association, circa 1885.

The landscape matters. It matters passionately. People take on the hue of their environment: grainy sepia, in the case of 19th-century workers in industrial slums; bright colours in the bucolic environment depicted by the 18th-century masters. Have we really come to the present pitch of scientific advance, only to find ourselves bereft of any vision for the preservation of civilisation, beyond sacrificing our countryside for a matchbox-full of electricity?

And what a countryside. We in Scotland have been gifted with a landscape of almost unimaginable splendour. That is not a braggart, here's-tae-us sentiment: the whole world concurs. It is one of the most deleterious characteristics of the wind-farm phenomenon that it needs a spacious environment in which to flourish; it does best in the wilderness, hence its threat to areas of natural beauty. Where is this blight already infecting Scotland? Is it in our post-industrial badlands? Hardly: it is attacking the outer Isles, Perthshire, the Lammermuirs - and soon every glen and moor whose beauty has gladdened the hearts of Scots men and women from time immemorial.

For there is one sense in which wind farms are highly productive: they produce large profits for their operators. They pose a temptation, too, to farmers who have suffered ruination at the hands of the present government's viciously anti-rural policies. Sometimes people cannot afford to be faithful trustees of their heritage. Those of us who oppose this soul-destroying degradation of our country - and it must be stopped - should do so in a spirit of realism.

We should explain that, despite the propaganda of vested interests, it would take an unthinkable 25,000 turbines to serve Scotland's energy needs alone. In any case, that would be a bogus achievement, since the greatest defect of wind provision is the need for permanent backup that its unreliability imposes. Thus, in the extremely improbable event that the government attained its long-term objective of having wind power supply 20% of UK electricity, that would amount to 22 GW; but the Royal Academy of Engineering has calculated that 16-19 GW would still need to be retained, as backup, in conventional plant capacity.

There is no saving there.

Wind power is irrelevant to the energy debate: it is the Philosopher's Stone of contemporary superstition. The real solution lies in a balanced energy policy - Combined Heat and Power (CHP) - and such moderately promising renewable sources as wave power.

If we are panicked and deceived into destroying our matchless landscape we shall only repeat, in a rural context, the crass blunders of urban brutalism in the 1960s and 1970s, earning ourselves the bitter reproach of posterity: "Blow, blow, thou winter wind,/Thou art not so unkind/As man's ingratitude"...

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Evening Post (Wales)  
January 11, 2005

## **VALUES HAVE GONE DOWN**

When the sad news came through that a wind farm was proposed for Rhos Garn Whilgarn, Mydroilyn, near Lampeter, the first thing I did was contact an estate agent from Carmarthen for a valuation of our property before and after the development. I took this valuer around to seven different properties to see how it would affect us.

We were heartbroken to find out the extent of the devaluation, if this wind farm goes ahead. I live in a basic three-bedroom bungalow that we built ourselves.

It will lose £45,000.

Local farms will lose between £200,000 and £350,000.

Two local people went into estate agents asking what the situation was of selling properties in the Mydroilyn and Talgarreg area. They were told that the Mydroilyn, Talgarreg areas are now a no-go area as things stand.

One estate agent said he has seven properties on the market in Mydroilyn and people are not interested as soon as they find out about the proposed wind farm.

A friend of mine was selling her property and had five families looking at it, three were very interested until they found out about the wind farm.

Our houses do not lose value after the wind farm is up and running. They lost it as soon as the anemometer went up.

Lynwen Evans

Mydroilyn, Lampeter, Ceredigion

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The Scotsman  
December 28, 2004

## **Denmark's example**

It is clear from Paul Bennett's criticism of Judith Hodgson, regarding wind power in Denmark (Letters, 21 December), that he knows very little about electricity generation there.

First, Denmark does not produce any nuclear-powered electricity, and wind power certainly does not make up 20 per cent of its electricity supply. During 2003, in west Denmark, the annual production of renewable energy (mostly wind power) in the region was numerically equivalent to about 20.7 per cent of demand.

But at its times of generation, about 84 per cent of the wind power was surplus to local demand and had to be exported to the much larger power systems of Norway, Sweden and Germany, primarily to maintain stability of frequency and voltage in the Danish grid.

This implies that, for 2003, under 4 per cent of the region's demand for electrical power was directly provided by wind resources, the bulk of requirements being met by carbon-emitting central and local CHP generators, some operated sub-optimally as back-up for the wind power for much of the time.

We in the UK do not have the benefit of the interconnectors that Denmark has, and if this wind-farm madness is allowed to continue here, we will have major problems in dealing with the random intermittency of wind power. Interestingly Denmark has the dearest domestic electricity in Europe and one of the worst carbon emission records.

I have discovered that there are two categories of people who support wind energy: those with a vested interest, or those who know nothing about it.

**BOB GRAHAM**  
*Protect Rural Scotland Party*  
*Inchberry*  
*Orton, Moray*

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This is Cornwall (UK)  
December 1, 2004

## **WIND POWER WILL COST US ALL MORE**

Being patriotic, we have three flags outside the front of the house: the Union flag, St George's flag and the Devon flag. For the last 24 hours, these flags have been hanging limply from their poles and may well stay that way for some time. What effect would this time of "no wind" have on wind turbines? The percentages seem to change, but we are told that an amount of electricity has to be provided by nature.

What the politicians seem not to realise is that there is no point in using something as unreliable as wind power unless it cuts down on the use of our current power stations and reduces the greenhouse gasses they produce. The power stations that will be on standby when the wind blows will be generating all we need at the present time. When the wind is blowing, these stations will still be running because it would take too long to restart them when needed, and so will still be producing the gasses we are meant to reduce.

So the only thing that wind turbines are likely to produce is an increase in our electricity bills. We will have to pay for the wind turbines, whilst we are still paying for the existing power stations to be running, even though we may not be using any electricity from them. Wouldn't it be wonderful if our politicians had enough common sense to see that wind power is probably the worst possible choice and they should be looking at something reliable like the power of the tides.

Michael Ashton

Petersmarland, Torrington

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Evening Post  
October 25, 2004

## WIND FARMS? DO THE MATHS FOLKS

In the context of the total demand for electrical energy in the UK, wind turbines are not a viable solution. They only scratch the surface of the problem. You don't have to be a power engineer or a mathematician to work it out. Try the following exercise on the nearest 12-year-old (or Green Party AM). I have split it into two parts for simplicity. No calculators please.

Question 1: The power supplied by the National Grid is around 60,000mw. Wind turbines produce about 1mw. If 10 per cent is provided by wind turbines, how many would be needed?

10 per cent of 60,000mw? Answer: 6,000mw. Number of wind turbines? Answer: 6,000.

Question 2: Wind turbines operate for less than half the time because it is either too calm or too windy. How many wind turbines would be required to allow for this factor? (Hint: Be careful with fractions! Multiply by two rather than divide by two).

Number of wind turbines?  $6,000 \times 2$ . Answer: 12,000.

It is difficult to understand why the Government chose wind turbines as its preferred option for renewable energy when there are many established options, such as tidal power, available. Perhaps they simply got their estimates wrong by a factor of 10. Alternatively, it may be that they see it as an evangelical mission to promote renewables regardless of cost and without thinking it through.

Apparently, the Government is committed to investing £8 billion in renewables. It has promoted and subsidised the wind turbine programme and it is this subsidy that has resulted in the flood of applications for wind farms.

The people of Wales have been let down by the Assembly. The issue is too important to be treated as a party political issue.

Alwyn T Price

Mansfield Farm

Mansfield Road, Murton, Swansea

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The Sentinel  
October 22, 2004

## WIND FARMS THREATEN RURAL GEMS

I note with horror that big business was due to apply for formal planning permission last week for the development of a gigantic wind farm in the beautiful countryside of Bagot's Park. Why on earth do such entrepreneurs keep trying to despoil what is left of our natural rural gems with developments they could easily carry out in areas far less likely to suffer from environmental damage from them? We all know that wind turbines can operate most effectively out at sea and out of sight or in the many remote vastnesses which stretch across certain parts of Europe. Pollution-free electricity can also be generated in many other ways, including the harnessing of sea power as well as the wind. Let us hope that the councillors we have elected to represent us in East Staffordshire preserve the district's country heritage for present and future generations by rejecting out of hand the proposals for wind farms at both Abbots Bromley and at Stramshall, of all places.

Geraldine Smith Kingstone

News & Star  
October 20, 2004

## **OUR BIRDS HAVE DISAPPEARED**



Where have all the plovers gone: Golden plovers were once a familiar sight at Siddick – but not any more, says Dave Taylor

I AM replying to Margaret Kenyon's letter about wind turbines (October 18).

It's a shame Margaret never witnessed the thousands of waders roosting in the fields next to the shore along Siddick during high tide or seen the large flocks of curlew, redshank, lapwing and golden plover swirling around in a strong wind.

Since the wind turbines went up, those birds have disappeared from Siddick.

Wind turbines do have a damaging effect on wildlife, especially wild birds. Go and see for yourself – there's next to none there.

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Evening Post (Wales)  
October 19, 2004

## **STUPIDITY OF WIND FARMS**

As most of Wales knows about the recent debacle in which the recommendation of a planning inquiry into the proposed Scarweather Sands wind farm development was overturned by an Assembly sub-committee, perhaps passionate Welshmen among us will now realise how the derogative expression "to welsh on a deal" evolved. I have learnt that United Utilities is picking up the costs of the inquiry, which means they know they are in a win-win situation.

It shows that wind farms are not about the environment, but money.

Most public libraries have a modern literary section where it is easy for a "Green" to discover the roots of the movement.

During the 1950s and 1960s the Green country of Europe was Sweden. She gave us triple glazing, loft and cavity wall insulation, and yes, the wind turbine. They were everywhere, yet 40 years on, the visitor to Sweden will find no wind turbines. In their place, built in the Baltic Sea, are nuclear power stations. Why?

The other icon of wind power, Denmark, came unstuck in 2002. This was documented in their local press because wind failed to produce. Denmark was forced to purchase expensive nuclear-generated power from Sweden, the outcome being that Denmark has cut subsidy to wind and is busy refurbishing and building new gas-fired power stations.

This country will be stupid enough to allow the growth of wind farms, whether they produce or not will not matter. We will all pay, as long as the prime minister of the day can state on paper, "We have 20 per cent renewable energy". What a waste!



C E V Gardener

Mayals, Swansea

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This is Cornwall (UK)

October 19, 2004

## **WIND POWER SUBSIDY A HIDDEN TAX ON US**

Congratulations on your item "Now is the time to renew the fight". Would that more newspapers were so supportive of a commonsense approach to wind power, rather than backing the Government's mantra of "target to meet". You wrote of the need to "meet our energy needs of the future while curbing CO2 emissions" and concluded: "It will not be made possible by sending in the bulldozers and trampling over the wishes of rural communities."

I agree. In Wales we have battled against this threat for more than a decade, and have always maintained that wind power will give such small reductions of CO2 emission on a global basis that it is a worthless technology, simply designed to fill a few private pockets.

This was laughed to scorn by wind developers and the Government, despite a growing undercurrent of warning from professional power engineers, but in the last year it has become apparent that the diagnosis is true.

In May, the huge Danish generating company, Elsam, at a meeting in Copenhagen, warned their government and the Danish Wind Energy Association that: "Increased development of wind turbines does not reduce Danish CO2 emissions".

They added: "Forced development of wind turbines in Denmark raises the demand for subsidy in ??re/kWh".

It is essential that we draw back now and conduct a truly independent cost-benefit analysis of wind power.

This has never been done and Government has listened only to the vested interests of the wind industry. And it is some vested interest!

The "effective subsidy" on wind electricity is over £50/MW hour which is enormously greater than any previous unit-subsidy on fossil fuel or nuclear power. It is worth almost twice the value of the electricity.

The Energy White Paper clearly spelled out that this huge premium, given to wind, will be taken from the bills of all consumers and is effectively a hidden tax.

Worse than that, the more electricity you use, the further you line the pockets of multinational wind developers who swarm to our shores with Danish, German and American turbines, but no jobs.

How much electricity does it make? At the moment just four thousandths of UK generation.

And for this we allow them to destroy the golden-goose of the British countryside, whose eggs are worth many times the income from agriculture in some rural areas.

Dr John Etherington

The Herald (Glasgow)

July 27, 2004

Why windpower will not solve any problems

Jason Ormiston claims a 100MW windfarm will supply the needs of 460,000 homes (Letters, July 24). However, the British Wind Energy Association website shows 767MW of capacity is required to supply 440,000 households. I will leave it to the wind-lobby to get their sums to add up, but I must take issue with Mr Ormiston's statement that wind-turbines "reduce" CO2 emissions. The appropriate term to use here is "postpone".

Let me illustrate with an analogy. Suppose I go away on a business trip but discover I have left my mobile-phone charger at home. This presents me with a problem, since I am going to be away for three days, but I know the battery will only last for two. However, I work out that I can save some of the battery power by switching the phone off during the eight hours each day when I am asleep. By this means, I save a total of 16 hours battery life during the first two days, which is enough to keep the phone working for the waking hours of the third day. The total battery power used over the three days is exactly the same; all that I have achieved is to prolong the life of the battery. At the end of the three days the battery is flat whatever I do.

It is exactly the same with fossil fuel consumption. Building wind-turbines will prolong the life of fossil fuels, but does not eliminate their eventual use, and will not produce any permanent reduction in emissions. The International Energy Agency figures for 2003 show a global installed windpower capacity of 39 gigawatts, while the actual electricity produced globally from windpower was 67 terawatt-hours. Applying Mr Ormiston's figures (assuming his calculation is correct, which is by no means clear), this equates to 69 million tonnes of CO2 emissions reduction

Global CO2 emissions are currently about seven gigatonnes (of carbon) per annum. Hence, the emissions postponed by all of the 30,000 wind-turbines so far installed on the planet amount to about 1% of that figure. If all of those turbines continued in operation throughout the remaining life of fossil fuel reserves – possibly 50 years but probably less – the net effect would be to extend those 50 years by another six months.

During those six months, all of the accumulated "savings" of CO2 claimed for wind-power would disappear and the end-result would be exactly the same as it would have been without the wind-turbines.

However, this analysis only takes account of CO2 derived from burning fossil-fuels. Building wind-turbines actually puts CO2 into the atmosphere from another source, through the chemical release of CO2 from limestone which is used as a raw material during the manufacture of cement and steel. The wind-industry claims that these CO2 inputs are "paid back" within six- to-12 months, but this only applies to the fossil-fuel-derived CO2 generated during turbine construction. As the alleged "savings" of these emissions will eventually disappear anyway, it follows that the long-term effect of building wind-turbines will be to increase atmospheric CO2 because of the inputs from non-fossil-fuel reserves of carbon locked up in limestones.

Dr Brendan Hamill,  
Wester Tillyrie House, Milnathort, Kinross.

## INFORMATION COLLECTED FROM VARIOUS WIND INDUSTRY LITERATURE

### AESTHETIC / CULTURAL IMPACTS

- ***Need to protect areas of outstanding natural beauty.*** Kansas Gov. Kathleen Sebelius has endorsed recommendations in a late November letter to her from the state's Wind Energy Task Force, urging that wind power project developers voluntarily restrict activities in an areas to be known as the "Heart of the Flint Hills," while continuing to work on projects outside that area. (Source: Wind Energy Weekly, 3 December 2004.)
- ***Sites of cultural significance must be protected.*** A 98MW wind farm in South Australia was granted conditional approval – two cultural sites on the land must be protected.

### AVIAN & BAT IMPACTS

- ***Bat deaths higher than expected.*** From the November 2004 issue of Windpower Monthly: "Wind turbines cause more harm to bats than anyone previously expected, say scientists and advocates who have studied the problem this summer. The conclusion comes after research conducted at the 30MW Meyersdale wind farm in Pennsylvania, built last year, and at the 66MW mountaineer wind farm in West Virginia, built in 2002. Both use 1.5MW turbines. The consensus of opinion of those involved in the work is that the extent of the problem has not been revealed earlier because monitors have not been trained to look for bats. Carcasses are small, difficult to see, and not always whole when hitting the ground."
- ***Bird kills are higher than expected.*** BioResource Consultants conducted a report on Altamont Pass and birds. As Windpower Monthly, September 2004 reported: "The report found that the actual number of bird deaths is higher than previously believed: between 1766 and 4721 birds are killed each year, or which 881 to 1300 are raptors protected by state and federal law. The report also found that tubular towers will not necessarily lower bird deaths."
- ***Wind industry mitigation measures to minimize bird kills are insufficient.*** Most wind farms in the Altamont Pass are now being targeted in a renewed and expanded federal lawsuit over the numbers of raptors being killed in them. The lawsuit has been filed by California's Center for Biological Diversity (CBD) after it reviewed a draft plan of remedial measures put together late this summer by wind plant owners in the Altamont Pass, which CBD viewed as insufficient. The suit seeks damages for the deaths of up to 10,000 birds over 20 years, many of which are protected under federal environmental laws. (Source: Windpower Monthly, December 2004.)
- ***Wildlife studies are inadequate.*** State Audubon groups in Maine and New York have questioned the adequacy of wildlife studies carried out at two specific sites

earmarked for wind developments: a ski mountain in Maine and Ripley in western New York. Furthermore, the New York group will oppose development on sites in the state designated as Important Bird Areas and Bird Conservation Areas.

- ***Bird concerns must not be underplayed.*** A 700 MW wind farm has been proposed for the Isle of Lewis in Scotland. One major barrier this project faces is vehement opposition from the Royal Society for the Protection of Birds, a wildlife charity with over one million members. It accuses the developer – Lewis Wind Power – of ignoring its advice to avoid developing areas with wildlife designations. Over 80% of the proposed wind farm would be in an area with a European designation as an important site for birds and habitats. (Source: Windpower Monthly, December 2004.)
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## EUROPEAN EXPERIENCE

- ***Wind energy is intermittent and unreliable, and requires substantial back-up electricity generation.*** John Etherington, former reader in ecology, University of Wales, made the following statement regarding wind generation in Denmark: “Thus, during 2003, W. Denmark generated 4363 GWh of wind electricity (ELTRA data) and this forced the burning of 1,500 GWh worth of mainly gas-generated electricity as balanced power.” (Source: Email correspondence.)
- ***More research needs to be conducted about the effect of wind power stations of the marine ecology.*** In September 2004 the conference “Offshore wind farms and the environment” was held in Denmark. One of the conclusions reached was that it is far too early to draw any generalized conclusions about how the marine ecology is impacted by wind developments. The greatest unknown is what cumulative impacts accrue from wind developments. (Source: Windpower Monthly, November 2004.)
- ***Turbines can interfere with radar and sacrifice air safety.*** The British Ministry of Defense has conducted substantial research on the effects of wind turbines on radar systems, and has found that turbines can confuse radars causing planes to be lost in flight. The Times of London reported that “nearly half of all wind farm applications are rejected on civil aviation air safety grounds, raising fears that the Government will fail to meet targets for a significant increase in renewable energy. (October 5, 2004).
- ***Europe has more favorable agreements between developer and turbine manufacturer.*** The June 2004 issue of Windpower Monthly reported: “At the recent WindEnergy international trade show in Germany, GE introduced a ‘contractual service agreement’ for its wind turbines in the European market. It is a benefit sharing program... The agreement can take the form of a full service package with an available guarantee running up to 12 years, which includes as-needed upgrades and performance improvements.”
- ***Wind developments can be put in deep water, very far from shore.*** The Moray Firth wind plant will be located 15 miles off the north-east coast of Scotland in water depths of over 130 feet. Negative impacts would be substantially reduced with increased distance from shore.

- **Public access is generally limited, if allowed at all, in those countries more experienced with wind developments.** If this project were to be regulated by the UK government, it would be classified as “higher risk” due to its location in deeper water and placement within 500 yards of active shipping channels. Due to this “higher risk” designation, there would be a declaration of “area to be avoided” around the whole wind plant and up 1,640 feet from the borders. (Source: A Navigational Risk Assessment Review, prepared by the McGowan Group, April 26, 2004.) Using European experience as guidance, it is safe to assume that exclusionary zones of some sort may be required for the entire 20-25 year life of the project.
- **Co-generation projects enable a predictable power output.** As reported in the July 2004 issue of Windpower Monthly: “An offshore wind and natural gas co-generation project in the east Irish Sea has advanced to the engineering design and consultation stage. The 200MW Ormonde project will comprise 30 turbines totaling 120MW and an open cycle gas turbine plant. The steady gas fired generation capacity will complement the variable wind power element, enabling a predictable power output from the project. Ormonde will be the world’s first hybrid offshore gas and wind project. Unlike UK “round one” offshore wind projects, the developer will not be seeking a government capital grant. The integration of gas makes the wind project viable on its own merit.”
- **Larger turbines will soon be available.** Germany’s REpower is working on assembling its 5MW wind turbines, which will be the largest ever produced to date. (Source: Renewable Energy Access, October 13, 2004.)
- **A cautionary approach is best.** In Germany, an offshore pilot project – Sandbank 24 – was granted approval from the federal shipping office only after project plans were modified to reflect a 80 turbine limit imposed by the shipping office. The original plan had been for 120 turbines, and the developer had argued that a smaller project would not be financially viable. However, the 80 turbine limit was imposed based on experience abroad, where the largest wind stations yet built are both around 80 turbines. The federal shipping office argues that offshore wind is still experimental and that 80 units will not block shipping or cause irreparable environmental damage. (Source: Windpower Monthly, October 2004.)
- **Manufacturers are not trustworthy.** As reported in the October 2004 issue of Windpower Monthly: “Denmark’s wind turbine owners association has strongly criticized Vestas for selling a replacement transmission unit which it knows is of sub-standard quality.”
- **Projects should go through a competitive bidding process.** “Competitive bidding will take place amongst at least four developers for Denmark’s next government sponsored offshore wind power station – a 200 MW extension of the existing Horns Reef development.” (Source: Windpower Monthly, October 2004.)
- **Radar interference is a real concern.** The January 10, 2005 issue of *Aviation Week & Space Technology* stated, “Radar interference concerns account for almost half of all rejected wind farm site proposals [in Britain], says Geoff Butler, wind farms business manager at AMS.
- **Nature protection areas must be preserved.** According to the February 2005 issue of Windpower Monthly, two offshore wind projects in the German region of the Baltic Sea have been refused construction permits because they were to be located in nature

protection areas. One – Pommersche Bucht – was proposed for a site lying in a European bird protection area. The other – Adlergrund – was to be built in a proposed flora-fauna habitat protection area.

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## LEGAL

- ***Vermont has banned large-scale renewable energy projects on state lands.*** Excerpt of ban: *The Agency also recognizes the present interest in development of large, commercial or industrial-scale renewable energy projects in Vermont. While the development of such facilities at appropriate sites may well become a desirable and even necessary part of Vermont's energy future, the Agency believes that large-scale renewable energy development on ANR lands such as commercial wind farms would be incompatible with the uses of and contrary to purposes for which ANR acquired these lands. Therefore, such uses are not allowed on ANR lands. Temporary wind measurement towers and other exploratory uses that are designed to evaluate the potential for future large-scale renewable energy development on ANR lands are also not allowed.*

Document can be found at: <http://www.vermontwindpolicy.org/finalpol.pdf>

- ***Tougher regulation in Australia.*** The January issue of WindPower Monthly reported, "All new wind power developments should be subject to a more rigorous technical review before given the go ahead, regulators in South Australia say. Wind farms, they argue, bear the risk of higher energy prices and power network distribution. 'From now on we'll be tougher on wind permits,' warns Lou Owens, the state's essential services commissioner. 'The concern is that wind power will increase pool and contract prices. It shouldn't just be swept under the carpet.'"
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## OPPOSITION

- ***Garrett County, Md., Votes Against Supporting New Wind Projects.*** Garrett County (Md.) Commissioners said they will not support wind projects beyond the two that already have earned backing. They will use zoning or other legal means to halt any other potential developments, the Associated Press reported. The decision comes in response to concerns about the impact of the windmills on wildlife, scenery, and property values by groups such as Friends of Backbone Mountain. (Source: Associated Press, January 6, 2005.)
- ***Conservation in Kansas.*** In a plea to balance conservation and economic development, Kansas Governor Kathleen Sebelius is asking wind developers to stay out of three million acres of the Flint Hills in east Kansas long enough for local guidelines to be drawn up for wind energy development and for an evaluation of the role it can play in the fragile ecosystem. (Source: Windower Monthly, January 2005.)